DENTAL CORPS

To be lieutenant colonel

Fisher, Howard E., xxx-xx-xxxx.

The following persons for appointment as temporary officers in the U.S. Air Force, in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Astorga, Alex M., xxx-xx-xxxx.
Benedict, Roland D., xxx-xx-xxxx.
Buxton, Richard D., xxx-xx-xxxx.
Cabebe, Fernando S., xxx-xx-xxxx.
Capistrano, Cecil L., xxx-xx-xxxx.
Chobot, Edwin F., Jr., xxx-xx-xxxx.
Chua, Ernesto L., xxx-xx-xxxx.
Clemmons, Roy S., xxx-xx-xxxx.
Coolbaugh, Carl C., xxx-xx-xxxx.
Cooley, Daniel J., xxx-xx-xxxx.
Crane, Roger H., xxx-xx-xxxx.
Crawford, Elwyn D., xxx-xx-xxxx.
Erd, Quentin L., xxx-xx-xxxx.
Farson, Clyde L., xxx-xx-xxxx.
Frias, Carlos A., xxx-xx-xxxx.
Froilan, Jorge T., xxx-xx-xxxx.
Gans, Robert H., xxx-xx-xxxx.
Greer, Robert C., xxx-xx-xxxx.
Hess, George W., Jr., xxx-xx-xxxx.
Holbrook, James M., xxx-xx-xxxx.
Kaufmann, Robert J., xxx-xx-xxxx.
Kramer, Roy K., xxx-xx-xxxx.
Lehman, Edward D., xxx-xx-xxxx.
Longmire, Lemuel T., xxx-xx-xxxx.
McGuire, Michael D., xxx-xx-xxxx.
Nitzberg, Benjamin W., xxx-xx-xxxx.
Olesijuk, Andrew, xxx-xx-xxxx.
Oliveros, Rene A., xxx-xx-xxxx.
Pendell, Paul W., xxx-xx-xxxx.
Pratofiorito, Frank N., xxx-xx-xxxx.
Prue, Edmund B., xxx-xx-xxxx.
Rainess, Alan E., xxx-xx-xxxx.
Rodriguez, Teodorico C., xxx-xx-xxxx.
Rosero, Marciano A., xxx-xx-xxxx.
Rubinstein, Norman E., xxx-xx-xxxx.
Suter, Darvin K., xxx-xx-xxxx.
Task, Steven A., xxx-xx-xxxx.
Verde, Horatio V., xxx-xx-xxxx.
Wagner, Vernon P., xxx-xx-xxxx.
Wakefield, Charles T., xxx-xx-xxxx.
Winer, Bernard A., xxx-xx-xxxx.
Wolborsky, Martin, xxx-xx-xxxx.
Zeller, Robert W., xxx-xx-xxxx.

The following officer for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code:

MEDICAL CORPS

Lieutenant colonel to colonel

Thomas, Elias A., Jr., xxx-xx-xxxx.

The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Bergeman, Leroy E., xxx-xx-xxxx.
Coady, Thomas J., xxx-xx-xxxx.
Gathman, Terry R., xxx-xx-xxxx.
Workman, Frederick C., xxx-xx-xxxx.

MEDICAL CORPS

Bobbitt, Roy L., xxx-xx-xxxx.
Gilman, Robert T., xxx-xx-xxxx.
Jones, Al E., xxx-xx-xxxx.
Koop, Lamonte P., xxx-xx-xxxx.
Pritchett, Paul E., xxx-xx-xxxx.
Roldan, Erlinda C., xxx-xx-xxxx.
Wise, Jack L., xxx-xx-xxxx.

NURSE CORPS

Kuehnast, Elizabeth L., xxx-xx-xxxx.
Montanaro, Frank L., xxx-xx-xxxx.
Scoggins, Joan I., xxx-xx-xxxx.
Williams, Dorothy S., xxx-xx-xxxx.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 1976:

EXPORT-IMPORT BANK OF THE UNITED STATES

Delio E. Gianturco, of Virginia, to be First Vice President of the Export-Import Bank of the United States.

FEDERAL TRADE COMMISSION

David A. Clanton, of Virginia, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969.

David A. Clanton, of Virginia, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1976.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

MEETING THE CRISIS OF INTERNATIONAL TERRORISM

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. HEINZ. Mr. Speaker, today I am introducing a resolution urging the President to deny or revoke the general system of preferences—GSP—to any country which aids or abets any group or individual committing an act of international terrorism.

For those not familiar with GSP, it was established to give developing nations an advantage over industrialized countries in competing for the U.S. market by eliminating duties on certain products. The rationale behind this preferential treatment was that if countries could build up their own economies through trade they would require less foreign aid from the United States.

Under the Trade Act of 1974, the President was given the authority to grant GSP to any developing country which was not Communist, a member of OPEC, or which had not nationalized American businesses without adequate compensation. Additionally, American businesses and jobs were protected by not extending GSP to "import sensitive" items where domestic industry was already competitive and where preferential treatment would hurt our industries.

Currently, about 90 nations and 2,700 products have been granted GSP.

Mr. Speaker, yesterday I spoke of the need to stem the tide of international terrorism by invoking the necessary sanctions against nations willing to aid or abet terrorists.

We now have a law on the books—section 602A of the amended Foreign Assistance Act—that cuts off American assistance to nations that aid terrorists. My resolution would make it clear that Congress intends sanctions against those countries that may not directly receive U.S. aid but that enjoy the advantages of such special benefits as GSP.

This action would clearly demonstrate to countries like Uganda that we are seriously concerned over nations which, through their collusion with international terrorists, encourage these acts, endanger innocent lives and prevent criminals from being brought to justice.

The text of the resolution follows:

RESOLUTION

Urging the Presiding to deny to any country granting sanctuary to international terrorists the benefits of designation as a beneficiary developing country under the General System of Preferences of the Trade Act of 1974

Resolved, That the President is urged to deny designation as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (relating to the Generalized System of Preferences and providing duty-free treatment for eligible articles) (19 U.S.C. 2461–2465) to any country which the President finds aids or abets, or has aided or abetted, by granting sanctuary from prosecution, any individual or group which has committed an act of international terrorism, and in the case of any such country which has already been so designated, the President is urged to review such designation for purposes of possible termination of such designation.

THE 1976 LEGISLATIVE QUESTIONNAIRE RESULTS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. ARCHER. Mr. Speaker, this year, as has been my custom every year that I have served in Congress, I sent out a questionnaire to all of the homes in the Seventh Congressional District of Texas in order to obtain my constituents' opinions on important national issues.

The questions themselves were selected from those most frequently mentioned in other correspondence I had received from the district prior to the time the questionnaire was published.

Since I know my colleagues in the House will be interested in seeing the results, I am requesting that the following article on the questionnaire from my most recent newsletter be reprinted at this point in the RECORD. The results are also being sent to President Ford so he may have the benefit of my constituents' opinions as well:

1976 LEGISLATIVE QUESTIONNAIRE RESULTS

Nearly 35,000 people responded to this year's Legislative Questionnaire, an indication to me that the stories of apathy among the American people certainly don't fit the 7th Congressional District of Texas.

While this is a very useful method of obtaining the opinions of a large number of the District's residents on a variety of broad issues, the annual survey is by no means designed to take the place of other forms of communication that are open throughout the year. Many thanks to those who took the time to respond (and went to the 13¢ expense that the Postal Service required) and help me better assess the views of the 7th District.

Here are the results of the survey:

1. Should the United States continue its membership in the United Nations? 64 percent yes, 36 percent no.

2. Do you favor the policy of detente that the U.S. has been pursuing with the Soviet Union? 35 percent yes, 65 percent no.

3. Should private organizations be permitted to compete with the Postal Service in the delivery of all mail? 80 percent yes, 20 percent no.

4. Do you feel that communism is a threat to the U.S. today? 85 percent yes, 15 percent no.

5. Should the U.S. conduct active intelligence operations in other countries? 91 percent yes, 9 percent no.

6. Do you approve of the federal government's loan guarantees to New York City? 28 percent yes, 72 percent no.

7. Should Members of Congress be permitted to reveal classified national security information? 7 percent yes, 93 percent no.

8. Do you favor making labor unions subject to anti-trust laws? 92 percent yes, 8 percent no.

9. Should the federal government determine standards of educational quality in Houston area public schools? 10 percent yes, 90 percent no.

10. Do you believe that deficit spending by the federal government is a major cause of inflation? 89 percent yes, 11 percent no.

CHANGE OF COMMAND

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. GOLDWATER. Mr. Speaker, the editorial in the July 26, 1976, issue of U.S. News & World Report, written by Howard Flieger, almost leaps off the page in its thoughtfulness and significance.

I am pleased to share it with my colleagues:

CHANGE OF COMMAND

By Howard Flieger)

Right now, when people's thoughts are on politics, let the record show:

On July 1, 1976, Cdr. John S. McCain III was given command of Attack Squadron 174, Naval Air Station, Jacksonville, Fla.

Chances are you didn't see it on television or in the newspapers. Such changes in military command are small swatches of the total fabric of current events.

But this one deserves special notice.

The ceremony on the above date marked the fact that young John McCain had made it all the way back.

Nine years ago he lay ill and neglected in a filthy prison cell in North Vietnam—with two broken arms and a broken leg. A Navy flier, he had been shot down by enemy rockets and captured by the Communists.

The ordeal of imprisonment, brutality and abuse lasted nearly six years before he made it back to the United States. His first-person account of his experience—typical of many others—was published in this magazine in May, 1973, and attracted nationwide attention.

But there is more to the story than his release, recovery and the return to active duty that has now put him in command of one of the Navy's crack flying outfits.

John is the third generation in a family dedicated to what is known in the military as "career Navy."

His grandfather, the first John S. McCain, was on combat duty in two World Wars. In World War II, he was an admiral in the Pacific. He was on the deck of the battleship *Missouri* in 1945 when Gen. Douglas A. MacArthur accepted the formal Japanese surrender.

Commander McCain's father, the second John S. McCain, was a submarine commander in World War II and stood with *his* father on the *Missouri* to witness the surrender.

In the years that followed, John S. McCain, II, rose to the rank of four-star admiral. At the time of his retirement in 1972, he was commander in chief of all Pacific forces. He served in that post burdened with the knowledge that his own son was a prisoner in the hands of the North Vietnamese.

The man who nursed young John McCain back from the edge of death in Hanoi was a fellow prisoner, Maj. George E. Day. He, too, has made it all the way back—promotion to colonel and to vice commander of the 33rd Tactical Fighter Wing at Eglin Air Force Base in Florida.

Still another former prisoner, R. Adm. James B. Stockdale, is now commander of the Antisubmarine Warfare Wing of the Pacific Fleet. He and Colonel Day received Medals of Honor at the White House March 4.

Of his experience as a prisoner, Admiral Stockdale once said:

"Most men need some kind of personal philosophy to endure what the Vietnam POW's endured. For many it is religion; for many it is patriotic cause; for some it is simply a question of doing their jobs. . . . In our effort to survive and return with honor, we drew on the totality of our American heritage."

Capt. Jeremiah A. Denton—now a rear admiral—put it another way when he and the other POW's came home from Vietnam at the end of the war.

To those who welcomed them, he said:

"We are honored to have the opportunity to serve our country under difficult circumstances. We are profoundly grateful to our Commander in Chief and to our nation for this day. God bless America!"

Many find it difficult to understand those who persist in service to their country despite, in Kipling's words, the taunts of others "makin' mock o' uniforms that guard you while you sleep."

But in a significant way the Days, the Stockdales, the Dentons and three generations of John S. McCains are an important part of what the Bicentennial year is all about.

SECOND BISHOP OF THE DIOCESE OF ROCKVILLE CENTRE INSTALLED

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. WYDLER. Mr. Speaker, the Roman Catholics of my congressional district recently celebrated the installation of the Most Reverend John Raymond McGann as second bishop of the Diocese of Rockville Centre, N.Y. Bishop McGann succeeds the Most Reverend Walter P. Kellenberg, who served the diocese for 19 years and has recently retired.

During his many years of service in the Diocese of Rockville Centre, Bishop McGann has held posts too numerous to mention. The parishioners of the diocese are most fortunate to have a man so familiar with their needs and their beliefs to lead them as bishop.

Bishop McGann was ordained to the priesthood in 1950, after studying at the Immaculate Conception Seminary in Huntington, Long Island. He served in St. Anne's Parish, Brentwood, until 1957, when he was appointed assistant chancellor in the newly formed Diocese of Rockville Centre. In 1959 he became secretary to the bishop, a position he retained until his ordination in 1971 as auxiliary bishop.

In the homily delivered at his installation mass, Bishop McGann had much to say about the Catholic Church and about the future of the United States, and I would like to share some of his words of inspiration with my colleagues in the House of Representatives:

In this Bicentennial Year, as our Nation rejoices in its richly blessed heritage, our Catholic bishops have issued a new call to liberty and justice for all. The liberty of which they speak is the freedom of the children of God. It is a highly responsible freedom—a freedom that never shirks the grave concern that all men be freed from the burdens of poverty, racial discrimination, injustice and prejudice. This freedom rests upon the knowledge that all men are the children of the same Heavenly Father and all are called to love that Father and to love one another as His children.

Mr. Speaker, I hope you will join me in reflecting upon Bishop McGann's words, and that they will serve to inspire us in our work. I also hope that my colleagues will join me in congratulating Bishop McGann on his appointment, and in wishing him every success in the most demanding job of spiritual leader of the Diocese of Rockville Center.

THE CONFLICT OF INTEREST CASE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. FRENZEL. Mr. Speaker, the following statement would have appeared in the debate on the case of Congressman SIKES today had permission been granted for all Members to insert remarks:

The vote today on this matter of approving the report of the Committee on Standards of Official Conduct may not be historic, but it is an extremely important precedent. The report should be approved. An affirmative vote will confirm

the reprimand contained in the committee report. The reprimand is not as strong as a censure, but today's vote will signal a dramatic change in the House's attitude about the conduct of its Members, and about the importance of its own code of ethics.

The House will become, as a result, a less clubby institution. It will shed some of its previously total reliance on any Representative's individual constituency to make ethical judgments on that Representative. For some Members, those are undesirable changes, but almost all Members will say they are necessary and unavoidable.

No Member wishes to sit in judgment of another, nor to "second-guess" the votes of another Member's constituency. Many of us today are casting "aye" votes with twinges of regret.

But, not only do we have a clear constitutional responsibility to make these judgments, but we have an absolute obligation to the people who sent us here to make every reasonable effort to keep this body free of conflicts. This does not necessarily conflict with the ultimate responsibility of the electorate to make judgments on its Representatives.

No witch hunting is required of us. None has been involved here. Our obligation, which I am confident we are going to discharge today, is simply to insure that our code of ethics and our rules are upheld. When they are violated, reprimand, censure, expulsion, or other suitable penalty, should be voted.

An alleged breach of a code or rule is often a matter of opinion subject to different conclusions by different persons. "Conflicts of interest" are even harder to determine precisely. Nowadays conflict of interest is an overused buzz-word. Such allegations have outnumbered the hard evidence presented in their support.

Today's note does not mean that banditry is rampant in the Congress. It does not mean that any other case pending before the committee, or any other allegation, will receive similar treatment. It means only that the House intends to police its own rules and codes. But that is a significant, and welcome, departure from our normal style.

In other words, the Sikes case sets a precedent as to the House attitude, but otherwise, it is a decision based only on this particular case with its own particular set of facts.

One other important aspect of this action today is the new vitality of the Committee on Standards of Official Conduct: Other improvements are needed, but the committee ought to be congratulated for taking that first difficult step.

We need a better procedure for initiation of committee action. A sworn complaint should not be the only basis. We need to take another look at our code of ethics. Either it should be updated, improved, and made more specific, or the committee should give better guidance to the Members through regulations, opinions, guidelines and the like. The committee should also be given permanent subpena power.

But future improvements, however sorely needed, should not obscure the fine work the committee has done here, nor the important precedent it has brought us today.

COMMENTARY ON A MODEL USED OIL RECYCLING ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. VANIK. Mr. Speaker, recently, I presented to my colleagues a new initiative to improve State and local efforts at recycling waste lubricating oil. The Environmental Law Institute has recently released a Model Used Oil Recycling Act for use on the State and local level.

Over the years that I have been studying this problem, I have become convinced that the key to successful waste oil recovery programs lies in local citizen action. That is why the ELI's model legislation is so important. It provides a framework for State and local governments to organize community oil recycling programs. In the interests of providing a background to this legislation, I am submitting to the RECORD a background commentary to the legislation.

The FEA has not yet endorsed this legislation. However, after the model bill has been reviewed, the FEA hopes to actively distribute this legislation to State and local governments. A copy of the bill is available by writing Used Oil Recycling Program, Conservation and Environment, Federal Energy Administration, Washington, D.C. 20461.

The commentary follows:

USED OIL RECYCLING ACT

Section 1. Commentary: (a) none.

Section 2. Commentary:

(a) "Used oil" is preferable to "waste oil" since it indicates possibilities for further use rather than readiness for disposal. Used oil includes, but is not limited to, crude oil, fuel oil, lubricating oil, hydraulic oil, electrical oil, refrigeration oil, cutting oil, oil emulsion, kerosene, diesel fuel, and other non-chlorinated industrial oil, that are discarded as waste or recovered from oil separators, oil spills, tank bottoms or other sources. Used oil does not include an insoluble or partially soluble organic chemical or petroleum derivative which requires special handling precautions because of toxicity, composition, or flammability including but not limited to gasoline, a petroleum solvent, a chlorinated solvent or oil, an aromatic, organic pesticide, polychlorinated biphenyl, and a low-boiling ketone, alcohol or ether.

(b) "Recycle" is now a popularly understood word for recovery and reuse of resources. Recycling of used oil is defined as any preparation for reuse or use in place of new oil which is operationally safe (*i.e.*, will not pose risks of fire or explosion), environmentally sound (*i.e.*, will not endanger public health or environmental quality), and complies with all laws and regulations.

The listed means of preparation, *i.e.*, refining, rerefining, reclaiming and reprocessing, have more or less defined vernacular meanings:

The term "refine or rerefine" means to use refining technology in the treatment of used oil to remove physical and chemical contaminants and enhance used oil quality so as to produce lubricating oil or other petroleum products that are similar to new oil intended for the same purpose. The technology includes, but is not limited to, the use of distillation, chemical treatment, oil additives, hydrogen treating, and various physical treatments.

The term "reclaim" means to use physical methods, short of those used in rerefining, to cleanse used oil for further use for its original or similar purpose. The methods include settling, heating, dehydration, filtration and centrifuging and may entail use of oil additives.

The term "reprocess" means to use minimal physical methods to remove water and suspended solids from used oil in preparation for its use primarily as a fuel or fuel supplement. The methods may include settling, chemical pre-treatment, filtration, and dehydration.

(c) The director of an agency responsible for energy conservation or public health could also be named.

Section 3. Commentary: As the following table shows, in all states the amount of industrial and automotive used oils generated exceeded one million gallons in 1971, For local jurisdictions the amounts would depend on population and industrial characteristics.

Although dirty and contaminated, used oil is composed mostly of lube oil fractions, a small but valuable portion of a barrel of crude oil, and has high heating value.[1] Used oil can be rerefined into lubricating oil [2] or used as a feedstock in the manufacture of other petroleum products. It can be reclaimed and used again for its original purpose, can be reprocessed to fuel oil and, under controlled conditions, can be safely burned untreated.[3]

The best estimate of the ultimate fate of the 1.1 billion gallons of used oil generated annually in the United States is: 480 million gallons (43 percent) used as fuel, treated or untreated; 90 million gallons (8 percent) rerefined to lube oil; 200 million gallons (18 percent) used as road oil or in asphalt; and the fate of 340 million gallons (31 percent), including the 30 million gallons of rerefining wastes, is unknown. Better estimates of the ultimate fate of used oil are not possible because of the lack of means of accounting for it across the fragmented collection, rerefining and disposal systems.[4]

Most used oils contain heavy metals and organic compounds which are toxic and, in some instances, carcinogenic, if ingested or inhaled.[5] Disposal on land contributes to water pollution either directly or by leaching, an may make the land unproductive and result in ground water contamination.[6] Incineration or uncontrolled burning releases metallic oxides, principally lead, to the air; the Environmental Protection Agency has determined that concentrations of certain airborne meals, including lead, endanger public health.[7]

Footnotes at end of article.

TABLE I.—USED OIL GENERATION BY STATE
(1971 DATA)

[In gallons]

State	Automotive (gallons)	Industrial (gallons)
Alabama	12, 182, 600	4, 719, 116
Alaska	1, 395, 900	190, 920
Arizona	6, 358, 600	1, 279, 087
Arkansas	8, 008, 590	3, 085, 107
California	72, 034, 320	20, 021, 638
Colorado	8, 229, 900	1, 920, 620
Connecticut	6, 743, 700	3, 652, 711
Delaware	1, 624, 800	435, 653
Florida	14, 445, 900	5, 056, 982
Georgia	14, 495, 200	6, 442, 547
Hawaii	1, 857, 600	(1)
Idaho	3, 435, 200	392, 549
Illinois	37, 263, 000	26, 383, 747
Indiana	17, 722, 970	12, 991, 233
Iowa	11, 103, 700	2, 400, 122
Kansas	14, 381, 400	2, 979, 826
Kentucky	14, 075, 600	639, 301
Louisiana	15, 163, 300	12, 070, 643
Maine	3, 399, 070	822, 170
Maryland	7, 286, 100	3, 102, 488
Massachusetts	13, 404, 420	6, 129, 556
Michigan	37, 488, 000	19, 571, 150
Minnesota	14, 533, 400	3, 213, 530
Mississippi	9, 185, 500	2, 707, 690
Missouri	19, 701, 790	4, 283, 712
Montana	4, 191, 070	503, 289
Nebraska	8, 846, 970	1, 633, 035
Nevada	2, 381, 800	257, 644
New Hampshire	1, 680, 430	257, 769
New Jersey	18, 071, 960	18, 459, 034
New Mexico	4, 760, 980	1, 548, 790
New York	32, 016, 880	15, 546, 678
North Carolina	13, 832, 000	4, 585, 158
North Dakota	4, 046, 000	271, 254
Ohio	36, 627, 970	29, 795, 774
Oklahoma	12, 295, 400	4, 249, 737
Oregon	12, 020, 320	2, 977, 082
Pennsylvania	35, 728, 740	27, 823, 461
Rhode Island	1, 912, 560	770, 858
South Carolina	6, 432, 670	1, 678, 776
South Dakota	4, 400, 210	203, 592
Tennessee	12, 665, 700	10, 442, 178
Texas	47, 222, 230	32, 778, 546
Utah	4, 647, 950	1, 062, 643
Vermont	1, 330, 400	190, 565
Virginia	10, 839, 430	3, 017, 776
Washington	11, 047, 210	2, 845, 560
Washington, D.C.	1, 638, 780	(1)
West Virginia	6, 530, 830	7, 432, 560
Wisconsin	17, 262, 010	5, 073, 985
Wyoming	2, 563, 700	470, 723

[1] Not available.

Source: GCA Corporation, "Waste Automotive Lubricating Oil Reuse as a Fuel," published report EPA-600/5-74-032, Environmental Protection Agency, September 1974.

Section 4. Commentary:

The statement of policy provides a general purpose and constitutional foundation (protection of public health and welfare), two principal components of that purpose (resource conservation and environmental protection), two means for achieving the purpose (collection and recycling) and two flexible concepts for implementing the means for achieving the purpose (economically feasible and environmentally sound).

Subsequent sections of this Act empower the Director, through a system of rules, licenses, special permits, and prohibitions, to execute this policy.

The implementation of this policy in a particular area will depend on what the environmental constraints and economic markets are. From the viewpoint of environmental soundness, if air pollution standards are stringent and hazardous waste disposal facilities for recycling wastes are available, more used oil may flow to rerefining or reclaiming or both. Conversely, if environmental standards permit, more used oil may flow to other uses.

Economic feasibility is the other key concept. An activity is economically feasible if the revenues from it are at least equal to the costs of doing it, including a competitive return on the investment in the activity.

The amount of used oil collected depends on many factors, including, but not necessarily limited to, the concentration of used oil collection sites within an area, the quantities of used oil available, the type and quality of used oil to be collected, and, most importantly, whether a market exists for the collected oil.

Section 5. Commentary:

The means of disposal named here are those which are most clearly wasteful and harmful to the environment. The general prohibition is intended to cover other uses or means of disposal which endanger public health, such as emissions or residues from recycling and depositing used oil in ones' garbage. Applicable environmental and other laws and regulations are also included.

Section 6. Commentary:

Public education is potentially a very effective component of the Director's used oil program.

Signs posted where those who change their own oil purchase it informing them of the location of the collection facilities established in accordance with section 7 would promote both the establishment of the facilities and public knowledge of why and how they should be used.

Public understanding of the law is important to the acceptance and success of the Director's program and should be a part of his public education efforts. Provisions of federal law, such as EPA rules for labels on oil containers concerning proper disposal of oil after use (when that requirement of section 383 of the Energy Policy and Conservation Act becomes effective) should also be explained.

Public information and education functions—such as telling a member of the public or commercial generator where the nearest used oil deposit facility is or who the collectors in an area are—could best be coordinated and performed by a member of the staff responsible for a used oil information and education center. Some state agencies have such personnel; they are also available from extension services.

Technical assistance for voluntary recycling programs would include providing local groups with materials which contain a how-to-do-it manual for creating community recycling programs, along with a suggested brochure, poster and bumper sticker and case histories of successful local programs, and would stimulate interest and effort which complement the state or municipal regulatory activities.

In addition, brochures could be provided for distribution by all retailers of oil and by the department of motor vehicles in conjunction with drivers' licensing or testing or vehicle registration. Used oil units could be prepared for inclusion in driver or automotive education courses.

Section 7. Commentary:

Within the last ten years, there has been a significant upturn in "do-it-yourself" oil changes. This trend is reflected in the large volume of retail automotive lubricating oil sales in mass-market retail stores. It is estimated that retail sales today of lubricating oils at non-service station outlets constitute between 40 and 60 percent of all automobile lube oil sales, and few provide facilities for return of used oil. For lack of an alternative, individuals who change their oil, in doing so, often discard the used product where they can—in the garbage, down storm sewers, and in vacant lots. Such disposal wastes a valuable resource, and may create a fire hazard or produce water pollution. Many "do-it-yourselfers" interviewed in a recent survey conducted for EPA indicated a willingness to return used oil, provided a convenient mechanism for doing so existed. This section is designed to require the provision of convenient places for the deposit of small quantities of used oil.

Creation and maintenance of collection facilities could be the responsibility of those who retail oil, or of municipal governments (*e.g.*, fire stations, sanitary landfills, etc.) or of state government, or of a combination of any of these. The responsible persons could of course contract for the provision of the facilities.

Collection facilities should be located as conveniently as possible for the benefit of those who change their own oil. Those who change their own oil will probably neither travel far not pay anything to deposit their used oil. The Director's rules could require that private and public facilities combined be made available on a per capita or per square mile basis.

The limitation on gallons deposited at one time is designed to prevent overloading of facilities. Those who generate larger amounts of used oil should create their own storage facilities and arrange for regular pick-up by collectors licensed in accordance with section 8.

Whoever maintains collection facilities should secure them from theft, tampering or threat of fire and should post a sign at each site stating clearly that they are only for used oil, not for paints, solvents, gasoline, pesticides, or other wastes.

Section 8. Commentary:

A used oil collector is defined to exclude those who transport only on their own property or who transport small amounts. Licensing of collectors should limit the number of unreliable or unscrupulous "gypsy" operations which flourish when used oil is in demand. The 500 gallon threshold permits storage and transport by persons not in business to collect used oil.

Subsections (b), (c) and (d) are designed to permit control of the flow of used oil into approved uses and to provide information which will enable monitoring and eventual management of those flows.

In many metropolitan areas collectors pick up oil in one jurisdiction and deliver it in another. In order that receiving states are notified of the amount and locations of delivery, out-of-state as well as intrastate information should be recorded on the collector's annual report and the Director should send to his counterparts in another state the information contained in the reports pertaining to that state.

Section 9. Commentary: This section authorizes licensing of those who recycle used oil in order to provide outlets for the oil collected and to control potential adverse environmental effects of recycling or its by-products. In addition, these persons should be identified in conjunction with section 12 dealing with recycled oil products.

The 5,000 gallon threshold could be different, depending on the desired trade-off between scope of coverage and administrative burden.

Subsections (b) and (c) are designed to complement sections 8(c) and 11(e).

Section 10. Commentary:

In certain circumstances, for example, where it would be unreasonably expensive to bring used oil in for recycling, or where the capacity for recycling is not available, other uses or means of disposal may be permitted provided that they are environmentally sound, even though they may involve the loss of resource.

This section provides the Director necessary flexibility in implementing the Act's policy, that is, in determining economic feasibility and environmental soundness.

Use or disposal of less than 55 gallons a year does not require a special permit. This would exempt several uses of used oil on the farm or in small shops, for example.

Subsections (b) and (c) are designed to complement sections 8(c) and 11(e).

Section 11. Commentary:

(a) Adherence to an administrative procedure Act, in addition to ensuring due process, makes administration of this Act consistent with existing statutes.

(b) The extent of information required on an application may vary among states and

kinds of activities applied for. The Director's rules could call for name and address; kind and capacity of recycling facilities (or location of site and means of proposed disposal or use under special permits); amounts of used oil to be recycled, used or disposed of; kinds and amounts of wastes generated and waste management practices, etc.

Fees for applications should not be so high as to discourage entering the business; other means of funding this program are available.

Keeping of records enables monitoring and evaluation of practices and programs designed to regulate them.

(c) Whatever the recycling, use, or disposal authorized, the authorization should require compliance with all current laws, regulations and environmental standards. Licenses could prescribe a schedule for achieving compliance by a facility needing time to do so.

(d) The term of a license or permit could be shorter or longer. The relatively short term of a year is suggested as an accommodation between the ease of administration of a longer term and the greater flexibility of control of a shorter term.

Section 12. Commentary:

This section is designed to facilitate the sale of recycled oil products of sufficient quality to meet their intended uses and to proscribe misrepresentation of recycled oil products. There have been numerous alleged instances of selling used oil which has merely been decanted as "home heating oil," burning such oil poses risk of damage to furnaces.

State and local officials should encourage the purchase of recycled oil products by public and private persons in order to provide a market for them and an example of their utility.

Section 13. Commentary:

Enforcement is essential to the credibility of any regulatory system and is therefore required of the Director. A selection of administrative actions and civil enforcement techniques is authorized in order to provide the flexibility needed to tailor an enforcement action to the nature of the violation. Civil administrative penalties, although not so common at the state level as at the federal, have proved effective where states have employed them, *e.g.*, Illinois, Pennsylvania, and Connecticut. Violation of the central provisions of the Act is made a misdemeanor for each day of violation.

Where state law requires, the Director would utilize the authority provided in this section in collaboration with the office of the attorney general.

Section 14. Commentary:

This section enables the continued validity of the remainder of the Act if a part of it is found unconstitutional.

Section 15. Commentary:

Sections of existing law which conflict with provisions of this law should be specifically referred to and expressly repealed in order to avoid questions of interpretation.

Section 16. Commentary:

This section postpones the effective date of this Act 90 days in order to provide the Director time to organize implementation. This section ties in with section 11(f), in which the Director is allowed a maximum period of two years after the effective date to fully implement all provisions.

REFERENCES

[1] Waste Oil Study: Preliminary Report to Congress, U.S. Environmental Protection Agency, April 1973.

[2] Report to Congress: Waste Oil Study, prepared by the Environmental Protection Agency, Washington, D.C. 20460, April 1974, Section VI.

[3] *Id.*, Section VII.

[4] *Id.*, page 25.

[5] *Id.*, Section IV. *See also* Irwin and Liroff, Used Oil Law in the United States and Europe, U.S. Government Printing Office, EPA-600/5-74-025, July 1974, pages 16-20.

[6] *Id.*, p. 33.

[7] *Id.*, pages 66-67. The EPA regulations requiring reduction of lead in gasoline were upheld by the District of Columbia Court of Appeals on March 19, 1976 (*Ethyl Corp. v. EPA*, 6 ELR 20267).

FEARSOME SOVIET AIRCRAFT CARRIER INVADES THE MEDITERRANEAN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. CARR. Mr. Speaker, during the past week the press has contained numerous accounts of the entrance of the Soviet ship *Kiev* into the Mediterranean Sea. But as the press in most cases did not point out, the *Kiev* may be a giant step forward for the Soviet Navy but it is not much of a ship by U.S. standards.

The *Kiev*, which is not even in the same class as the "midi-carriers" rejected by our Navy as too small and short-legged, now shares the Mediterranean—described by some of our more dramatic military commentators as "a Soviet lake"—with two oil-powered U.S. supercarriers, U.S.S. *Saratoga* and U.S.S. *America*, and with one nuclear-powered supercarrier, the U.S.S. *Nimitz*. All of these ships are equipped with several types of aircraft, all of which are several generations ahead of the best Soviet sea-based counterparts.

An exception to the typically superficial news coverage which prevailed was an excellent and well-researched editorial which appeared in the Norfolk, Va., Virginian-Pilot. This newspaper, which serves a relatively small city but which appears to be written by people with large minds, consistently covers military affairs with a perceptiveness and sophistication which places the majority of our big-city papers in the shade.

I insert the editorial entitled "Red Carrier in the Med," from the Norfolk Virginian-Pilot of July 20, 1976, in the RECORD at this point:

RED CARRIER IN THE MED

If the Soviet Navy's 45,000-ton Kiev, which sailed into the Mediterranean Sea over the weekend, is not an aircraft carrier by American definition, she is being given the look of one. A sister ship, Minsk, is taking form in a Black Sea shipyard. Work on a third is believed to be in progress in the Leningrad region.

Kiev is twice the size of the Soviet Moskva-class helicopter missile cruisers. She marks "an impressive and logical advance by the Soviet Navy," says the current edition of "Jane's Fighting Ships." NATO intelligence sources reported last month that Kiev would be equipped with the Yak-36, a quick take-off jet fighter similar to the British Harrier, as well as helicopters. News accounts of her passage through the Bosporus Straits said she carried about 30 of the former and 25 of the latter. Jane's estimated her hangar capacity at close to that.

Despite her relative hugeness, Kiev is reminiscent of the 17,000-ton "sea-control ships" that retired Admiral Elmo R. Zumwalt Jr., one of the few surface-fleet officers to have held the post of Chief of Naval Operations in recent years, tried unsuccessfully to introduce. The Zumwalt ship too would have featured V/STOL (vertical and short takeoff and landing) planes and helicopters. Kiev does not begin to meet the capabilities envisioned by former Secretary of Defense James Schlesinger for U.S. Navy "midi-carriers."

Kiev and Minsk "are not attack carriers," John W. Finney wrote in The New York Times Magazine in January. ". . . Roughly the size of the World War II Essex carriers, the Soviet ships do not have catapults and cannot launch long-range attack planes. Rather, they seem to be primarily defensive ships. . . ."

Nevertheless, Kiev's appearance in the Mediterranean has created a greater splash than most ships manage. "A curious dichotomy develops whenever the U.S. Navy looks at Soviet carriers," Mr. Finney noted, as if anticipating the occasion. "The Soviet program is cited as evidence that the Russians are trying to catch up with the United States in carrier power, thus providing ever more reason why the Navy should build more carriers.

"But the Navy seldom volunteers the information that it is constructing five 40,000-ton carriers that will carry helicopters and V/STOL planes, and that it has six 18,000-ton helicopter carriers in operation. When the Navy builds such ships, they are 'amphibious assault ships' for the Marine Corps. But when the Soviet Union builds similar ships, they suddenly become 'carriers' with an ominous potential."

CONSTITUENT RECOGNIZED FOR OUTSTANDING VALOR

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. WALSH. Mr. Speaker, today it is with high regard that I honor one of my constituents who has performed a valiant feat—one most worthy of notice. With unselfish disregard for his own safety, he prevented a tragedy that was only seconds away for a victim whom, without rescue, undoubtedly would have drowned.

Charles Rogers of Geneva, N.Y., is the 28-year-old son of Mr. Charles Rogers, Sr., Geneva's city Republican committee chairman. An Air Force veteran and student at Central Piedmont Community College, Charles Rogers, Jr., executed an instantaneous heroic act in rescuing a young girl from drowning.

On Tuesday afternoon, June 29, in Charlotte, N.C., Rogers was mowing the lawn when he heard the screams from someone who was evidently drowning. Racing 200 yards to a backyard swimming pool he immediately dove in after the young girl, elevated her from the 9-foot-deep pool and gave her mouth-to-mouth resuscitation. The girl was later treated at a nearby hospital.

Dr. Robert Schwartz credited the saving of the girl's life to Rogers' courage and instant response. He acknowledged that the young girl had been underwater about 4 minutes which is the maximum time physicians say a person can survive.

In admiration and pride I commend Charles Rogers for his courageous deed which has set such a noble example that others might follow.

BLANCHARD ANTIBOYCOTT AMENDMENT

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. BLANCHARD. Mr. Speaker, I am pleased to note the passage today by the House of an antiboycott amendment which I offered to H.R. 13876, the International Banking Act of 1976.

My amendment bans discrimination by foreign banks and bank holding companies, in their operations in the United States, on the basis of "race, color, religion, sex, or national origin." Further, any discriminatory practices which may be discovered will be subject to enforcement under the Federal Deposit Insurance Act.

I believe, however, that the importance of this amendment goes beyond its purely legal scope.

It is intended to clarify the views of Congress toward practices carried on under the boycott—for all of those, both in this country and abroad, who are uncertain about our intentions.

During the last year and a half, since the Arab boycott first made headlines across the country, those of us who have been concerned with this issue have become more and more aware of how necessary such clarification is.

Some Federal agencies, when faced with evidence of discriminatory activities, have taken quick and responsible action to uphold not only the letter, but the spirit of our laws and traditions.

Others, unfortunately, have been found wanting.

Because of this history of inconsistency on the part of bureaucrats in interpreting Federal law in this area, I believe a statement of purpose by Congress is both timely and appropriate.

My amendment will not affect the purely economic forms of boycott activity, such as discrimination against products made in the state of Israel. The limited scope of H.R. 13876 makes that impossible, and it is my understanding that legislation strengthening the Export Administration Act, which will be considered in the near future, will deal with that issue.

My amendment is aimed at a less widespread, but to my mind more ominous, form of boycott—discrimination against persons of Jewish faith or heritage.

On February 24, 1975, the Comptroller of the Currency wrote to all national banks in the United States, saying in part:

> This office has recently learned that some national banks may have been offered large deposits and loans by agents of foreign investors, one of the conditions for which is that no member of the Jewish faith sit on the bank's board of directors or control any significant amount of the bank's outstanding stock.

The Comptroller went on to state that—

> Discrimination based on religious affiliation or racial heritage is incompatible with the public service function of a banking institution in this country.

Mr. Speaker, I believe there is a general understanding among businessmen in this country that such discrimination is wrong, and that it is against the traditional policy and laws of this country.

My amendment clarifies that understanding and draws it to the attention of those from other countries who seek to do business here.

All of us know that these practices have no place in the United States. It is time for us now to write that principle into law so that it cannot be misinterpreted or misunderstood.

FINANCIAL DISCLOSURE—LET THE TRUTH BE KNOWN

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. SANTINI. Mr. Speaker, one of the most important issues pending in the 94th Congress is the Financial Disclosure Act of 1976.

Long before this issue ever received any legislative consideration, I formulated a strong, personal belief that the public should have access to the personal financial statements of Members of Congress and other high Government officials. Upon seeking congressional office, I made personal disclosures of both my financial posture and my income tax returns for the preceding 4 years. These disclosures were made as a result of my personal election rather than by mandate of law. Now, it is my conviction that at least some substantial form of personal disclosure should be implemented by our legislative body.

My advocacy of this issue presses a threshold question: Does the public have a right to have access to information about the financial activities of the Government officials who represent them? If that question is answered in the affirmative, then a second question is suggested: How should that right be statutorily defined and implemented? I believe that H.R. 3249 provides an answer, albeit not perfect, to that question. Our proposed legislative solution requires candidates for Federal office, Members of Congress, high-ranking Federal employees and the President and Vice President to file annual financial statements with the Comptroller General of the United States. The statements would contain the amount and source of all income and gifts valued in excess of $100, as well as all recorded transactions involving securities, commodities, and real property valued in excess of $1,000.

The Financial Disclosure Act does represent a substantial step in the direction of rehabilitating the deteriorating and negative preoccupations of the general public about all political entities. It is not a panacea, but it is a positive attainment. Moreover, the proposed legislation would also aggregate our heretofore piecemeal regulation of financial disclosure into one equitable, effective legislative package.

H.R. 3249 has the support of the Democratic Caucus and is backed by many members of our New Members Caucus. Its concept is also incorporated into the Democratic Party platform and is supported by the Democratic nominee for President, Gov. Jimmy Carter.

This does not mean the Financial Disclosure Act is partisan legislation, however. On the contrary, a wide bipartisan base of support has evolved throughout Congress and within the Government for this bill. President Ford has stated his support for the concept, and the citizen's lobby, Common Cause, has continued to offer its earnest advocacy in support of financial disclosure. The foregoing is truly indicative of the diversified array of substantial backers of this bill.

In summary, Mr. Speaker, the proposed disclosure bill will demonstrate a substantial and sincere intent by this Congress to pursue decisive legislative remedies for some of the inherent inadequacies in the process in which we have toiled. No magic elixir can instantaneously transform public preoccupations, but H.R. 3249 is constructive evidence of our legislative intent.

Certainly, there is an impingement upon our individual privacy. Certainly, this legislation represents an additional sacrifice for those who wish to serve in the Federal legislative process. But, I do believe that in rational balance, the public's entitlement to know and have access to the facts must outweigh our understandable desire to maintain personal privacy.

Mr. Speaker, H.R. 3249 would make a significant contribution toward rebuilding the political and moral character of our national leadership and I urge all of my colleagues to support and to work for its passage.

SANTA MONICA POLICE DEPARTMENT'S INNOVATIVE PHYSICAL FITNESS INCENTIVE PROGRAM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. BELL. Mr. Speaker, I wish to call to the attention of my colleagues in the Congress a very interesting article appearing in the current issue of the FBI Law Enforcement Bulletin describing an innovative physical fitness incentive program adopted recently by the Santa Monica, Calif., Police Department in my congressional district.

The article was written by George P. Tielsch, chief of police of Santa Monica Police Department.

I recommend it and a related letter from FBI Director Clarence Kelley for the perusal of my colleagues, and I share Director Kelley's confidence that it will prove very informative to members of

the law enforcement profession throughout the country.

Director Kelley's letter and Chief Tielsch's article follow:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., July 27, 1976.

Hon. ALPHONZO BELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BELL: Enclosed are two advance copies of the August, 1976, issue of the FBI Law Enforcement Bulletin. I thought you might like to see the splendid article, beginning on page nine, entitled "Physical Fitness Incentive Program," by Mr. George P. Tielsch, Chief, Police Department, Santa Monica, California. I am confident this report on the work of his agency will be most informative to members of the law enforcement profession.

Sincerely yours,

CLARENCE M. KELLEY,
Director.

PHYSICAL FITNESS INCENTIVE PROGRAM

(By George P. Tielsch)

A physical fitness incentive program was initiated by the Santa Monica, Calif., Police Department on January 6, 1976. The original idea was conceived by two officers in the department. The program was presented on the premise that, while many police departments encourage marksmanship by offering extra pay for marksmanship proficiency, no incentive is offered to police officers to keep themselves in good physical condition—an attribute that is required on a daily basis if an officer is to perform his duties at peak efficiency and best protect himself and the public.

Approval to initiate the program was received from the city manager and the city council.

The program was made voluntary, and participating officers train on their own time. The incentive portion of the program is similar to the marksmanship program in which participants may earn a monthly bonus of $2, $4, 8, or $16, depending on their skill as marksmen. The tests are administered by the Personnel and Training Division on a quarterly basis. Scores recorded at that time determine the incentive pay for the following 3 months. Injuries incurred during the program are handled as industrial injuries and covered by State compensation insurance.

The tests are based on a maximum score of 500 points and include the following five events: situps, squat thrusts, pullups, pushups, and 1-mile run.

The only difference in administering the tests between female and male officers is that female officers are allowed to do pushups and pullups in the style normally recommended for females.

To encourage participation of all sworn personnel regardless of age, the following points were added to each event according to the participant's age:

If the participant is	*Add points per event*
35 to 40 years	15
41 to 45 years	20
46 to 50 years	25

SITUPS (2-MIN TIME LIMIT)

Number	Points	Number	Points	Number	Points	Number	Points
60	100	45	76	30	50	15	25
59	98	44	74	29	48	14	23
58	97	43	72	28	47	13	22
57	95	42	71	27	45	12	20
56	93	41	69	26	43	11	18
55	92	40	67	25	42	10	17
54	90	39	66	24	40	9	15
53	88	38	64	23	38	8	13
52	87	37	62	22	37	7	11
51	85	36	61	21	35	6	10
50	83	35	58	20	33	5	8
49	82	34	56	19	32	4	6
48	80	33	55	18	30	3	5
47	79	32	53	17	28	2	3
46	77	31	52	16	27	1	2

SQUAT THRUST (1½-MIN TIME LIMIT)

Number	Points	Number	Points	Number	Points	Number	Points
35	100	26	74	17	49	8	23
34	97	25	72	16	46	7	20
33	95	24	69	15	43	6	17
32	95	23	66	14	40	5	15
31	89	22	63	13	37	4	12
30	86	21	60	12	34	3	9
29	83	20	57	11	32	2	6
28	80	19	54	10	29	1	3
27	77	18	52	9	26		

PULLUPS

15	100	11	74	7	48	3	22
14	93	10	67	6	41	2	16
13	87	9	60	5	33	1	10
12	80	8	54	4	27		

1-MILE RUN

In the 1-mile run test, 100 points are given for 7 minutes and under. For each second over 7 minutes and up to 7 minutes and 50 seconds, 1 point is deducted. From 7 minutes 51 seconds to 8 minutes 10 seconds, 35 points are accrued; 8 minutes 11 seconds to 8 minutes 45 seconds, 20 points; and 8 minutes 46 seconds to 9 minutes 15 seconds, 10 points.

PUSHUPS

Two points are given for each pushup for a total of 100 points or 50 pushups.

51 to 55 years	35
56 to 60 years	50

The incentive pay was established as follows:

Points:	*Bonus*
300 to 329	$2 per month
330 to 399	$4 per month
400 to 464	$8 per month
465 to 500	$16 per month

Twenty-five police officers, including one female, out of 133 sworn personnel participated in the initial program. The officers were weighed and then taken to a nearby high school facility for testing. Eight of the officers obtained a maximum score of 500, while 15 qualified for top bonus money. A complete breakdown of scores is as follows:

Bonus:	*Number of officers*
$16	15
$8	4
$4	3
$2	2
Failed to qualify	2

The initial high scores were anticipated in that officers who already maintained a high degree of physical fitness were expected to participate and do well in the first tests. The number of participants is expected to increase substantially when officers who did not feel confident of scoring high in the inaugural tests complete a 3-month, self-imposed training program to insure a better performance in the next testing program.

In order to further encourage participation, a perpetual trophy has been established to honor the officer who achieves the highest score each year. A different scoring system or additional tests will possibly have to be evaluated and utilized to separate the officers who achieve a maximum score for all four quarters. Three individual awards will also be presented to the top three officers.

Although this physical fitness incentive program is relatively new to the department, officers already have been encouraged to initiate and expand physical training activities on an individual basis. Hopefully, the program will result in long-term benefits to each officer and the police department by fostering better health and job performances.

JOHN McGUINESS IS RETIRING FROM HIS ASSIGNMENT TO THE OFFICE OF THE ATTENDING PHYSICIAN, U.S. CAPITOL

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. FREY. Mr. Speaker, tomorrow John McGuiness is retiring from his assignment to the Office of the Attending Physician, U.S. Capitol. It has been my privilege to know "Mac" for the past 8 years. He is just a great individual. So many times he has gone way out of his way to help. He takes a personal interest in the people in the office and makes things go.

As someone who has been in the Navy, I learned very early that the people that really ran it are the chiefs. "Mac" is living proof of this. He enlisted in the U.S. Navy in 1942 and advanced through the enlisted rates of the Hospital Corps, attaining the rate of chief hospital corpsman in 1952. During his Navy career, "Mac" was stationed with the 69th Naval Construction Battalion, North Atlantic; the Navy Base, New London, Conn.; the Reserve Fleet, Charleston; U.S.S. *Yellowstone*; Naval Research Institute; Naples, Italy; and Washington, D.C. Since 1954 he has been with us, assigned to the Capitol Physician's Office.

To sum it all up, "Mac" is 4.0, and you just do not get any better. We are going to miss him and wish him the best. Good luck and Godspeed.

JOBS: WE MUST DO BETTER

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. HAWKINS. Mr. Speaker, it pleases me to call the attention of the Members to an editorial appearing in the Phila-

delphia Daily News, entitled "Jobs: We Must Do Better." In their opinion, the Full Employment and Balanced Growth Act of 1976 (H.R. 50) provides the necessary framework to develop urgently needed jobs at low cost, without inflation. The editorial urges that the full human costs of unemployment not be ignored, for the implications to society's well-being and order are severe.

The editorial, which appeared July 20, 1976, follows:

JOBS: WE MUST DO BETTER

Philadelphia has lost 128,000 jobs since 1969, the year Richard Nixon became President. Last year, 28,000 went, the biggest decrease since the U.S. Labor Department began keeping local records 23 years ago.

More than 8 million Americans want to work and can't. Another 3½ million have part-time jobs and want full-time. This must be a key issue in the upcoming election. Either the federal government lets economic recovery "take its normal course," or it actively fights unemployment. Economist Louis H. Bean says the "normal course" will leave an unemployment rate of 6.5 percent in 1977 (it's 7.5 percent today).

Foes of government intervention say it costs money and causes inflation. The former is true; the latter is denied by many experts.

The Humphrey-Hawkins bill, which aims at "full employment" (no more than 3 percent unemployed) within four years, has a $20–25-billion price tag. But reductions in unemployment compensation and other jobless benefits would reduce that to $12 billion. That's 2 percent of our gross national product. Compare it to today's Viking I landing on Mars, a $1-billion project.

But let economists and statisticians debate unemployment in those terms. The public must consider it on the human level. Being jobless costs more than a diminished savings account, lost home, delayed college education, reduced standard of living.

Tell a person society has no need of him and you have wounded his self-image. Tell him there is no use for his talents and you have crippled his self-image. People break; families crumble.

Among the most recent local individuals to warrant the newspaper headline "Crazed Gunman" were George Geschwendt, Leon Haraismowicz and Richard Kochensky. All were unemployed. Perhaps they were "crazed" before they were jobless. But we will never know whether the stability that comes with regular employment would have made them rational. How much of our crime is linked to joblessness?

To deny people the opportunity to work, the pride of earning their own way, is unconscionable. This country must do better.

NEW PUSH FOR CHILD AND FAMILY SERVICES ACT?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. ASHBROOK. Mr. Speaker, two recent activities show the need for continuing vigilance on the Child and Family Services Act. One is the choice of Senator MONDALE for Vice President on the ticket headed by Carter. The other is the choice of words in that party's platform which can be read as a slightly veiled push for the Child and Family Services Act.

As will be remembered, Senator MONDALE is the individual who introduced in the Senate the child and family services bill. As the initiator of the legislation in this Congress, his support for it has never wavered.

In the platform that Carter and MONDALE are running on is language which can encompass the Child and Family Services Act—the renamed earlier child development bill. There is support for "developmental and educational child care programs."

We must realize that supporters have attempted to portray this legislation as helping the family. But its effect would be quite different. Careful analysis of the legislation shows that it would further involve the Federal Government in the family and it would involve the Government in the lives of children at the most impressionable ages of their preschool years.

Vigilance must be maintained against the Child and Family Services Act. I would remind you that the 1971 child and family development bill was much worse than the 1976 version. It represents the true goal of the Mondales and the social planners who in their own words want to "zoom in on the family."

IMPORT DUTY RESTRICTIONS

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. MEZVINSKY. Mr. Speaker, I was recently alerted to a flagrant circumspection of import duty restrictions which cannot and should not be tolerated.

Working through the "free port" of Mayaguez in Puerto Rico, a meat processor is purchasing Australian and New Zealand frozen beef at the 3-cents-per-pound duty rate for fresh and frozen beef. The processor is then preparing the beef and shipping it to U.S. markets, circumventing the 10-percent value duty for processed beef.

Those of us who are keenly aware of the difficulties of U.S. cattlemen today are outraged by this maneuver. I have written to the Secretary of State asking him for an immediate directive putting an end to the free port swindle.

I am also asking for a rejection of the proposal pending before the Foreign Trade Board to allow a processing plant to handle foreign beef in the Foreign Trade Zone of New Orleans.

A copy of my letter to Secretary Kissinger follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., July 26, 1976.

Hon. HENRY KISSINGER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I hope you are aware of a serious circumvention of trade law which is victimizing American cattlemen and robbing the federal treasury of significant duty revenues. I expect that the matter will receive your immediate attention.

Having learned of the details about Australian and New Zealand beef coming into this country in the "free port" of Mayaguez, Puerto Rico, and then being processed to avoid high duty payments, I am astounded by the failure of the government to nip this swindle in the bud.

I understand that there is a proposal pending before the Foreign Trade Board to allow a processing plant to handle foreign beef in the Foreign Trade Zone of New Orleans. Although I have no doubt that the Administration will not allow the situation in New Orleans to develop as it has in Mayaguez, I urge you to take action at once. I see no reason why the arrangement between Australia and New Zealand and the meat packing plant in Puerto Rico cannot be terminated immediately. This is an administrative decision and one that could be made tomorrow.

The New Orleans proposal resembles the Puerto Rican venture as a blatantly clear attempt to bypass our import laws. I trust that the position of our government will be made clear in that regard as well.

We are all aware of the precarious state of the American cattle industry as it has developed over the past few years. Let us not allow an impression of callous disregard for the legitimate rights and needs of our cattlemen to remain uncorrected.

Sincerely,

EDWARD MEZVINSKY.

ECONOMICS OF ENVIRONMENTAL PROTECTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. FINDLEY. Mr. Speaker, late in the 1960's this country embarked on a long-delayed program of environmental protection. We had for too long ignored the limits of our resources, oblivious that our air, water, and land cannot take repeated and unlimited abuse without it eventually costing us dearly.

One of the products of our new environmental sensitivity was the Clean Air Act of 1970, amendments to which we soon will consider on the House floor. And while progress in cleaning up our air has not been as swift as we might have hoped, it has been real. We have seen marked reductions in total emissions of nearly every pollutant for which EPA has established standards.

From time to time in recent years, however, we also have seen environmental zeal prevail over careful, reasoned pursuit of critical environmental goals. The Environmental Protection Agency, like other agencies, has a tendency sometimes to rush to correct a serious pollution problem without carefully evaluating the economic implications of its actions. The EPA's proposal several years ago of 80 to 90 percent gas rationing in Los Angeles and other communities as a means of reducing automobile pollution is an example of such zeal.

Without careful and reasoned study of the potential economic impact of its proposed rules and regulations, EPA simply does not have the information it needs to determine whether a proposed solution is worse than the problem it attempts to solve. Environmental "shooting-from-the-hip" is not only harmful

to economic progress, but it also damages the environmental movement itself. Regulatory excesses spark a public backlash which can undermine critical environmental programs.

I wish to commend the committee's efforts in its bill, H.R. 10498, to assure that the Environmental Protection Agency pursues balanced solutions to the problems of air quality.

There is, I believe, one oversight in the committee bill which I propose to rectify by an amendment on the House floor. My amendment would require EPA to prepare an economic impact statement before publishing notice of proposed rulemaking under specified sections of the Clean Air Act. EPA then would be required to make that economic impact statement available to the public together with an explanation of the extent and manner in which the Administrator considered the impact statement in drafting the proposed rule.

I believe my amendment would have two major positive effects. First, by detailing the economic factors which must be analyzed, my amendment will force EPA to be more systematic and thorough in its evaluation of the economic impacts as well as the means of reducing those impacts. Second, by requiring that the economic impact statement be made public, the American people will be fully informed of the economic consequences of EPA's regulatory decisions and, through the comment process, be afforded an opportunity to evaluate and express their views on EPA's economic analysis.

My amendment would require an economic impact statement any time the Administrator issues or revises the following:

(1) any new source standard of performance under section 111(b),

(2) a regulation under section 111(d), concerning the application of new source standards by states to existing sources,

(3) a regulation establishing a schedule of rates of excess emission fees under section 122(b),

(4) a regulation under subtitle B of title I relating to ozone protection,

(5) a regulation under subtitle C of title I relating to prevention of significant deterioration of air quality,

(6) a regulation establishing emission standards under section 202 (automobile truck and other motor vehicle emission standards) and any other regulation promulgated under that section,

(7) a regulation controlling or prohibiting any fuel or fuel additive under section 211(c),

(8) an aircraft emission standard under section 231, and

(9) a railroad emission standard under section 235.

Furthermore, my amendment specifically lists the factors which the EPA would analyze in preparing the economic impact statement. Therefore, this new EcIS would be required to assess the effects of the proposed standard or regulation on the following:

(1) the cost of compliance;

(2) its potential inflationary or recessionary effects;

(3) the availability of capital necessary to comply;

(4) the direct and indirect effects on employment;

(5) the effects on competition of the standard or regulation, particularly effects on small businesses;

(6) the effects on consumer costs;

(7) the effects on energy use of availability;

(8) the impact on the potential for long-term economic growth;

(9) the impact on productivity;

(10) the impact on the Nation's balance of payments;

(11) the economic impact of postponing the standard or regulation or of not promulgating the standard or regulation;

(12) alternative methods for achieving equal or greater protection at lesser economic costs; and

(13) comparative expenditures required to achieve incremental levels of reduction of emissions (or enhancement of health or environmental protection);

(14) any possible alternatives for minimizing or eliminating part or all of any adverse economic impacts of such standard or regulation.

My amendment is drafted carefully to assure that it will have no disruptive impact on the act, promulgation of standards or regulations under it, or their enforcement by the Administrator. With any amendment requiring extensive economic analysis, there is a danger of burdening the Administrator and the Agency to the point where the regulatory process collapses. My amendment guards against such a breakdown in that:

First, it applies only to future regulatory actions by the Agency;

Second, it cannot be used to disrupt or slow actions required by law; and

Third, it will not prevent the Administrator from carrying out his responsibilities to protect public health and the environment.

Mr. Speaker, business firms, farmers, and private citizens alike are being required to comply with regulatory requirements whose economic impacts sometimes are not fully known. It is my hope that my amendment will encourage a more responsible attitude in determining environmental policy. It is incumbent upon us to develop and follow environmental policies which attempt to achieve a reasonable balance between environmental necessity and economic reality, while protecting public health.

I believe my amendment requiring economic impact statements, in conjunction with the provisions the Commerce Committee has included in H.R. 10498, requiring EPA to take economic, energy and other costs into account under the Clean Air Act, will help us achieve that balance. I urge my colleagues to join me in supporting this amendment.

Text of amendment to H.R. 10498 follows:

AMENDMENT TO H.R. 10498, AS REPORTED OFFERED BY MR. FINDLEY

Page 158, after line 17, insert:

ECONOMIC IMPACT STATEMENT

Sec. 102A. Title III of the Clean Air Act, as amended by sections 306, 201, 304, 312, 313, 108, and 211 of this Act, is further amended by adding the following new section at the end thereof:

"ECONOMIC IMPACT STATEMENT

"Sec. 325. (a) This section applies to action of the Administrator in promulgating or revising—

"(1) any new source standard of performance under section 111(b),

"(2) any regulation under section 111(d),

"(3) any regulation establishing a schedule of rates of excess emission fees under section 122(b),

"(4) any regulation under subtitle B of title I (relating to stratosphere protection),

"(5) any regulation under subtitle C of title I (relating to prevention of significant deterioration of air quality),

"(6) any regulation establishing emission standards under section 202 and any other regulation promulgated under that section,

"(7) any regulation controlling or prohibiting any fuel or fuel additive under section 211(c),

"(8) any aircraft emissions standard under section 231, and

"(9) any railroad emission standard under section 235.

Nothing in this section shall apply to any standard or regulation described in paragraphs (1) through (9) of this subsection unless the notice of proposed rulemaking in connection with such standard or regulation is published in the Federal Register 90 days after the date of enactment of this section. In the case of revisions of such standards or regulations, this section shall apply only to revisions which the Administrator determines to be substantial revisions.

"(b) Before publication of notice of proposed rulemaking with respect to any standard or regulation to which this section applies, the Administrator shall prepare an economic impact statement respecting such standard or regulation. Such statement shall be available to the public following such publication and such notice of proposed rulemaking shall include notice of such availability together with an explanation of the extent and manner in which the Administrator has considered the analysis contained in such statement in proposing the action. The Administrator shall also provide such an explanation in his notice of promulgation of any regulation or standard referred to in subsection (a).

"(c) Subject to subsection (d), the statement required under this section with respect to any standard or regulation shall contain an analysis of:

"(1) the costs of compliance with any such standard or regulation, including the extent to which the costs of compliance will vary depending on (A) the effective date of the standard or regulation, and (B) the development of less expensive, more efficient means or methods of compliance with the standard or regulation;

"(2) the potential inflationary or recessionary effects of the standard or regulation;

"(3) the availability of capital to procure the necessary means of compliance with the standard or regulation;

"(4) the direct and indirect effects on employment of the standard or regulation;

"(5) the effects on competition of the standard or regulation, particularly the effects on small business;

"(6) the effects of the standard or regulation on consumer costs, including costs especially affecting economically vulnerable segments of the population;

"(7) the effects of the standard or regulation on energy use or availability;

"(8) the impact of the standard or regulation on the potential for long-term economic growth;

"(9) the impact of the standard or regulation on productivity;

"(10) the impact of the standard or regulation on the Nation's balance of payments;

"(11) the economic impact of postponing the standard or regulation or of not promulgating such standard or regulation;

"(12) alternative methods to such standard or regulation for achieving equal or greater degree of emission reduction (or health or environmental protection) at lesser economic costs; and

"(13) comparative expenditures required to

achieve incremental levels of reduction of emissions (or enhancement of health or environmental protection);

"(14) any possible alternatives for minimizing or eliminating part or all of any adverse economic impacts of such standard or regulation.

"(d) The statement required under this section shall be as extensive as is practicable, in the judgment of the Administrator taking into account the time and resources available to the Environmental Protection Agency and other duties and authorities which the Administrator is required to carry out under this Act.

"(e) Nothing in this section shall be construed:

"(1) to alter the basis on which a standard or regulation is promulgated under this Act; or

"(2) to preclude the Administrator from carrying out his responsibility under this Act to protect public health and the environment.

A standard or regulation subject to this section shall be invalid on the basis of a failure to comply with this section only if the Administrator acted arbitrarily and capriciously—

"(A) in failing to prepare and publish an adequate economic impact statement as required by this section, or

"(B) in failing to comply with the procedural requirements of subsection (b)."

WATERGATE REFORM ACT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. OBEY. Mr. Speaker, occasionally because of the emotions and the myths surrounding an issue, it's extremely difficult to get people to do anything but legislate by title. Pulitzer prize-winning columnist David Broder of the Washington Post, Wednesday wrote a very provoking article, inserted for your attention, about the so-called Watergate Reform Act, which would establish a permanent special prosecutor accountable to no one.

I do not yet know how I am going to vote on that bill, but I must say that I am most impressed with the arguments made by Mr. Broder. I probably would not be in the company of Senators CURTIS, FANNIN, HRUSKA, LAXALT, and WILLIAM SCOTT on legislative matters once in a century, but they may be right on this one, and I would hope that we would think through our actions carefully before we take the irrevocable step of passing this legislation.

I am not suggesting that I am prepared to vote "no" at this time. Neither am I yet prepared to vote "yes" without further evidence that the bill will not in fact create the very kind of unaccountable power center which Watergate should have warned us against.

Let us think a little bit more about it as Mr. Broder suggests.

WATERGATE REFORM ACT: DANGEROUS, OFFENSIVE

(By David S. Broder)

Well, the congressional mountain has labored and brought forth a second Watergate mouse. The first landmark piece of legislation that resulted from the great scandal was the Federal Campaign Finance Act of 1974, which provided public financing of presidential campaigns and did other things supposedly guaranteed to cleanse the political process.

It was hailed in Congress and on the nation's editorial pages. But when the Supreme Court got around to examining the law, it decided that several of its key provisions were unconstitutional infringements on the freedom of speech.

A similar caution is in order on the near-unanimous praise being lavished on the Watergate Reorganization and Reform Act of 1976, which passed the Senate last week by a vote of 91–5 and is expected to have equally easy sailing in the House.

The five dissenters in the Senate were five of the more rigid conservatives in that body—Carl Curtis, Paul Fannin, Roman Hruska, Paul Laxalt and William L. Scott. Hardly a commentator to the left of Pat Buchanan would willingly enlist in such company.

But I am going to ignore the proprieties and say plainly what I think—that the main provision of the bill is offensive, deceptive and dangerous, and that, once again, Congress has avoided the opportunity to come to grips with the real problems of Watergate.

That bill creates a permanent Independent Office of Special Prosecutor within the Department of Justice, to be headed for a single three-year term by someone appointed by the President and confirmed by the Senate. The prosecutor will have jurisdiction to investigate and prosecute any possible violations of federal criminal law by the President, Vice President, senior administration officials, members of Congress and the judiciary.

One thing that is offensive about the bill is the proviso that the special prosecutor cannot be anyone who, in the previous five years, held a "high-level position of trust and responsibility" in a political party or the personal organization of any candidate for federal office. (For good measure, Sen. Lloyd Bentsen amended the bill to put the same prohibition on anyone appointed Attorney General or Deputy Attorney General.)

I do not know what word except "contempt" expresses my attitude toward a set of practicing politicians who accept as valid the premise that anyone affiliated with politics is automatically unfit to conduct one of the highest responsibilities of government—the administration of justice.

If politicians can't be trusted to administer justice, then why in the world should we trust them to collect taxes, or provide for the national defense, or decide whether our children fight in a war? Why not be consistent and say that no one connected with politics should serve in public office?

The dangerous notion in the bill is the assumption that the safety of our republic lies in finding non-political "good men," who can be trusted with powers we would not trust to politicians.

That is an absolute perversion of the doctrine of the American Constitution. Such men of perfect virtue are as rare as Plato's "philosopher-kings." In real world terms, a lawyer with a three-year non-renewable charter to investigate anything of importance in the upper levels of all three branches of the American government would be under enormous pressure to find things to prosecute. As Sen. Sam Nunn said, "He wants trophies for his wall when he's through." It is the perfect launching pad for the ruthless demagogue's political career.

Rather than depending on godlike virtue in public servants, the American Constitution protects freedom by holding officials accountable for their actions.

But the special prosecutor, under this law, is accountable to no one. He reports annually to committees of Congress but can be removed by the President only "for extraordinary improprieties, for malfeasance in office or for any conduct constituting a felony." For all practical purposes, he is a free agent, exercising extraordinary power without check. He is, in short, the very kind of official which Watergate should have warned us against.

What is deceptive about this scheme is well-explained by Professor Philip B. Kurland of the University of Chicago, in a letter printed as part of the debate of the bill.

"You have certainly misconstrued history," he wrote the senators, "if the concept of a special prosecutor is based on the notion that the Watergate special prosecutor contributed to the discovery and remedy for the Watergate abuses." The press and two congressional committees did that work of exposure and "the special prosecutor undertook criminal prosecutions of those malefactors."

That is the proper division of labor, Kurland said, but the bill's proposed "utilization of special prosecutors at a stage prior to criminal trial is once again an evasion of congressional responsibility . . . Every time an important governmental problem has arisen in recent decades, Congress has pusillanimously delegated the treatment of the ailment to someone else. Thus, the proposed public prosecutorial scheme . . . is only another symptom of the Watergate syndrome, rather than a contribution toward its elimination."

Instead of passing such showboat legislation, Congress could be employing its constitutional powers to judge and expel those of its own members who have been charged with almost every kind of abuse of power and breach of law. It can also investigate alleged improprieties in the Executive Branch.

But that is the difficult course of political responsibility, so Congress prefers to pass the buck to a non-political special prosecutor. If this scheme comes to pass, we can all recall what the English said at the time of Cromwell: Lord protect us from Protectors.

WAYS AND MEANS OVERSIGHT SUBCOMMITTEE SCHEDULE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. VANIK. Mr. Speaker, following is a summary of planned Ways and Means Oversight hearings between now and the Republican Convention recess:

SUMMARY OF HEARINGS

August 2: 10 a.m., main committee room, Mr. Thomas Tierney, administrator, Bureau of Health Insurance, Social Security; N.Y.U. Law Professor Sylvia A. Law and representatives from GAO and HEW Audit Agency on Administrative Costs in Medicare Claims Processing, Representative STARK chairing.

August 4: 10 a.m., H–208, hearing on HEW Efforts to Reduce Welfare Errors, representatives from HEW, State and Local Governments, and a Presentation of Possible Welfare Savings from Mr. Larry Dooling, A.T.&T.

August 5: 1 to 2:30 p.m., B–316, the Administration of SSI. The View From the States: State Welfare Officials from Texas, Michigan, South Carolina, and Washington.

August 5: 2:30 p.m., H–208, IRS Collection of Delinquent Taxes, Commissioner Alexander, Representative JONES chairing.

In late August, the subcommittee expects to hold additional hearings on the supplemental security income program

on I.R.S. collection of delinquent taxes, and on medicare administrative costs. The exact time and place of those hearings will be announced later.

STATEMENT ON HOUSING

HON. MAX S. BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. BAUCUS. Mr. Speaker, I would like today to address a serious problem that has been one of my major concerns since I came to Congress 18 months ago. That is the overwhelming absence of a comprehensive national housing policy for both urban and rural areas. The two Federal agencies responsible for administering national housing programs, the Department of Housing and Urban Affairs—HUD—and the Farmers Home Administration—FmHA—lack an adequate framework to meet our national housing needs.

The housing slump started before the recent recession, went deeper than the economy overall, and is responding more slowly than the recovery. Moreover, inflation in housing and financing costs is such that American families have increasing problems buying—or renting—an adequate house.

Since 1972, total private and public housing starts have declined. Though this trend is reversing itself, housing starts are nowhere near the level they were in late 1972, causing much havoc in the building industry and raising the cost of houses.

Many people, especially young families, find it more and more difficult to purchase a home. In 1972, one-third of the Nation's households could afford to purchase a medium-priced house. In 1975, an income of $20,000 was needed to qualify for a conventional mortgage on a medium-priced house; however, only one-fifth of the families in the country had this much income.

More people, because of their low incomes, must now rent instead of buy. Renting families are finding that the amount of money they spend for rent is constantly increasing. In 1960, according to the Census of Housing, the median portion of income spent on rent was in the 15 to 19 percent range. In 1973, the proportions had risen to 20 to 24 percent.

Spiraling inflation in rental costs is due to increases in the cost of maintenance, construction, and mortgage costs, and most importantly, rising utility charges. The housing prospects of all but the wealthiest Americans have been eroded.

RURAL HOUSING POLICY

Our Nation needs a comprehensive rural housing program. Rural areas have one-third of the Nation's population but nearly two-thirds of its substandard housing. This higher incidence of poor housing can be attributed to lower incomes, less credit, and fewer institutions to deliver housing. There are fewer large builders in rural areas who can lower costs through constructing a high volume of units. Also, it is difficult for HUD and FmHA to administer their programs over the wide distances that must be traveled thus reducing the effectiveness of their programs.

Ever since the 1949 National Housing Act, the Federal Government presumably has been committed to improving the housing situation in the United States. Both HUD and FmHA were set up to assist people in securing homes. Though each of these agencies has rural housing programs, there remains a marked lack of emphasis toward meeting rural housing needs.

A SUMMARY OF FEDERAL HOUSING PROGRAMS

FmHA has several programs that are on their way to meeting rural demands. Section 502 provides loans to purchase a new or existing house, or to build, rehabilitate, or relocate homes.

Section 515 provides direct loans to finance rental or cooperative housing and related facilities for occupancy by low to moderate income rural families. Section 504 provides loans to make houses safer and more viable in rural areas, and section 514/515 provides loans at 1 percent interest for a term of up to 33 years to buy, build or repair housing for domestic farm labor. FmHa, however, now operates piecemeal programs, some of which work well. They have no overall rural housing goals as part of their mandate.

HUD was established to assist communities in housing and community development. There are several programs within HUD that could help improve rural housing needs. Section 8 provides housing assistance payments for low income families to either rent or build homes. Section 235 provides assistance in the form of monthly subsidies and is of great importance to rural areas. Section 202 provides housing for the elderly and handicapped. But HUD's orientation is toward the urban areas and it does not have the personnel or background to adequately deal with rural problems.

NATIONAL HOUSING PRODUCTION

We in Montana have a special interest in sound rural housing programs because of the State's wood products industry. Essential to our economic recovery is a healthy nationwide construction industry which uses our forest products. Yet, the Federal Government's responsibility to accelerate recovery of the housing and construction industry is not yet fulfilled, as many jobless Montanans can attest.

As table I indicates this trend is in part attributable to the fact that the number of total private housing starts in the United States dropped from 2,481,000 units in January of 1973 to 1,415,000 units in May of 1976 causing a lag in the housing construction industry. The number of private one family housing starts also dropped by nearly 400,000 from 1.43 million units in January of 1973 to 1.06 million units in May of 1976.

TABLE I.—TOTAL PRIVATE HOUSING STARTS; HOUSING UNITS, PRIVATE, 1-FAMILY

[In thousands of units]

Date	Total private housing starts	Private single family units
January 1973	2,481	1,431
February 1973	2,289	1,341
March 1973	2,365	1,237
April 1973	2,084	1,216
May 1973	2,266	1,220
June 1973	2,067	1,106
July 1973	2,123	1,178
August 1973	2,051	1,106
September 1973	1,874	1,019
October 1973	1,677	970
November 1973	1,724	960
December 1973	1,526	824
January 1974	1,453	811
February 1974	1,784	1,032
March 1974	1,553	967
April 1974	1,571	983
May 1974	1,415	900
June 1974	1,526	984
July 1974	1,290	903
August 1974	1,145	813
September 1974	1,180	872
October 1974	1,100	793
November 1974	1,028	812
December 1974	940	719
January 1975	1,005	748
February 1975	953	722
March 1975	986	763
April 1975	982	774
May 1975	1,085	853
June 1975	1,080	874
July 1975	1,207	916
August 1975	1,264	979
September 1975	1,304	966
October 1975	1,431	1,093
November 1975	1,381	1,048
December 1975	1,283	962
January 1976	1,236	957
February 1976	1,547	1,295
March 1976	1,417	1,110
April 1976	1,381	1,063
May 1976	1,415	1,057

This problem was exacerbated by a more than 50 percent reduction in federally supported housing production during the 1973 to 1975 period, as evidenced by table II, thus further cutting the chances that the Montana wood products industry would get back on its feet.

TABLE II.—NEW HOUSING ACTIVITY ANNUALLY, 1963–75

[In thousands of units]

Year	New starts under government programs: FHA, all programs: Single family	FHA, all programs: Multi-family	VA total	FmHA subsidized	HUD public housing	Total starts
1963	166.2	54.9	71.0	13.7	23.5	329.3
1964	154.0	50.7	59.2	11.6	24.6	300.1
1965	159.9	36.7	49.4	14.4	32.2	306.0
1966	129.1	29.3	36.8	19.9	30.2	245.3
1967	141.9	37.8	52.5	23.5	32.6	288.3
1968	147.8	79.4	56.1	25.2	66.4	374.9
1969	153.6	79.7	52.2	30.4	67.0	382.9
1970	233.5	182.0	61.0	57.1	95.4	629.0
1971	300.9	224.8	94.3	74.7	68.5	762.3
1972	198.5	172.4	104.0	91.4	40.0	606.3
1973	73.4	88.6	86.1	63.3	26.7	338.1
1974	56.7	37.7	72.9	41.2	16.7	225.2
1975	69.7	28.0	77.0	48.6	15.2	238.5

The drop in the total number of housing starts is in part attributable to the increase in the price of new homes. Most families cannot afford to build a house. In table III, we notice that in January of 1973, the average price of a new home was $35,500, a price within the means of most Americans as evidenced by the high number of starts in the same year.

In 1975, the average price of a new home was $44,400, a price beyond the means of low- and middle-income Americans. The buying ability of these families was further eroded by the fact the interest rate for a conventional mortgage was 7.5 percent for a $35,600 home in 1973 compared to a mortgage interest rate of 9.01 percent for a $42,500 home in 1975.

TABLE III.—*Average sale price of new one-family houses for United States—Not seasonally adjusted: Quarterly 1974–76*

	United States
Annual:	
1971	28,300
1972	30,500
1973	35,500
1974	38,900
1975	42,600
Quarterly:	
1974:	
1st quarter	(NA)
2d quarter	(NA)
3d quarter	(NA)
4th quarter	(NA)
1975:	
1st quarter	40,900
2d quarter	42,600
3d quarter	42,200
4th quarter	44,400
1976:	
1st quarter	46,100

The factors of high mortgage rates, high priced houses, and little effort by the Government agencies to build houses have combined to cause a serious crippling of western Montana's saw mills operators and have put many contractors out of business. Many mill owners and housing contractors in my district will never again operate because of the unpredictability of the wood products and housing industries.

THE ECONOMIC SITUATION IN MONTANA

Montana's economic situation, as measured in per capita income, has showed a somewhat faster rate of growth, although still remaining below the national average. The Montana 1974 average, as reported by the U.S. Bureau of Economic Analysis Survey of Current Business—August 1975—of $4,956 was 91 percent of the national $5,443, compared with 88 percent in 1970.

The failure to catch up more quickly may have been a reflection of the greater unemployment Montana suffered in the past 2 years. In January 1974, my State's unemployment rate had already reached an unadjusted rate of 8.5 percent, compared with a national unadjusted rate of 5.2 percent. During 1974, Montana's unemployment continued to increase, reaching 9 percent in January, 1975, when the Nation's rate was 8.2 percent. By June of this year, the last month for which figures are available, Montana's rate had dropped to 8.1 percent, still too high but not much different from the national 8 percent in the same month.

THE WOOD PRODUCTS AND HOUSING CONSTRUCTION INDUSTRIES IN MONTANA

An important part of employment in my State results from both local and national construction. In fact, 43 percent of the total employment in eight Montana counties, which comprises over 40 percent of my district's population, is either directly or indirectly attributable to the woods products industry. That is, close to 43 percent of the people employed in these counties are either hired by the woods products producers or provide goods and services to these industries.[1]

Locally, contract construction employed about 6 percent of all nonagricultural workers in 1973. The lumber and wood product industry, which supplies the Nation's construction industry, employed over 4 percent of Montana's workers in 1973, five times higher than the rest of the Nation. These construction-related industries did not participate in the growth in employment during the 1973 to 1975 period, but rather contributed to the unemployment problem. Lumber and wood products, whose fortunes are tied closely to the depressed national construction industry, lost 1,400 jobs, with employment dropping from 9,700 in 1973 to 8,300 in 1975, decreasing to 3.5 percent of the State's workers. In contract construction, employment dropped from a high of 14,000 workers in 1973 to 12,600 in 1975, falling from 6.1 to 5.3 percent of Montana's workforce. The 10-percent unemployment rate implied by these figures, however, was only half the national rate for construction workers. The 2,800 workers no longer employed in these two industries together make up some 10 percent of the total of 28,000 unemployed workers in the State.

MONTANA HOUSING NEEDS

Montana's housing needs are great. Almost one-fourth of Montana's rural housing is deficient. Of the 240,000 units in 1970, approximately 9 percent lacked some or all plumbing facilities and almost 10 percent housed more than one person per room. There was little overlap between the overcrowded units and those with inadequate plumbing facilities. Some 7 percent did not have complete kitchen facilities, although many of these are probably included in those lacking plumbing. There were 8,000 vacant units with standard plumbing facilities in 1970, and some substandard units may have been rehabilitated, but not all of Montana's housing needs have been met.

Mr. Speaker, that concludes my analysis of the housing situation in the United States, with particular emphasis on my State of Montana. Thus far I have concentrated on the problems of the housing industry. Now I would like to outline possible solutions.

To begin with, FmHA and HUD should expand their focus in the housing problems of rural America. More money needs to be given for subsidies to low and moderate income families in rural areas so that they may buy their own homes. These families are now pushed out of the housing market with little hope of participating unless the Government expands the current subsidy housing programs such as the HUD section 8 and section 235 programs and the FmHA 502 and 515 programs.

Along these lines, more money should be given to the Government National Mortgage Association—GNMA—and the Federal National Mortgage Association—FNMA—so that more people have the opportunity to secure a Government backed mortgage at reasonable interest rates.

HUD and FmHA should take the responsibility of teaching community officials in rural areas the intricacies of preparing housing assistance applications. Many of the smaller communities in my district lack the expertise to put together an acceptable housing proposal. In fact, most towns in western Montana have part-time mayors. In one county in Montana, the county manager is also the county clerk and recorder, treasurer, assessor and clerk of the district court. Its sheriff is also the janitor at the courthouse. Technical assistance from Federal housing agencies could greatly benefit such a county.

In addition, planning and funding services for small, nongrowth communities should be available, especially in rural areas. Many towns are stagnant and miss out on many Federal moneys for which they are eligible.

To administer these services, additional staff members should be moved into rural areas. Housing assistance applications are growing, and the current staff levels cannot handle the increasing load. Also, there is a lack of personnel to inspect onsite development projects, although this seems to be changing somewhat in my district. Many houses are not built according to Federal standards and should be examined more.

Consolidation of rural housing authorities would help smaller towns. HUD and FmHA should fully consolidate the section 8 and FmHA 515 programs whereby the developer need only to apply to FmHA. The separation of these two programs builds unnecessary bureaucracy, wastes taxpayers money, and causes developers to lose enthusiasm for these programs. The establishment of rural housing authorities to carry out the various housing programs would provide a special focus on rural housing problems and should create interest among the developers.

A rural liaison office in HUD should be established. Travel constraints, urban orientation, reliance on the private market, and requirements for larger scale projects now constrain Federal officials from effectively and enthusiastically endorsing rural housing programs. More

[1] On this point, I am most grateful to Maxine Johnson, Director of the Bureau of Business and Economic Research and Professor of Management in the School of Business Administration at the University of Montana for her article entitled Montana's Economy—Where it Has Been and Where it is Going, Montana Business Quarterly, 1976, P. 27.

travel money should be given to the Denver regional HUD office which is responsible for its projects in Montana. The Denver office also serves several of the other large Rocky Mountain States and frequently its staff cannot afford trips to Montana to inspect housing projects.

HUD should develop adequate statistics for long-range rural housing planning and also make comparisons between subsidized housing accomplishments and proposed goals and budgets. This would cut down on duplication and the construction of unnecessary housing projects and would save taxpayer funds. It would also prevent piecemeal, hit-and-miss approaches to rural housing development.

FmHA's research capacity should also be developed to study the impact of its programs, such as water and sewer grants and loans to small communities.

Along with this, technological innovations should be encouraged wherever possible, such as for the use of solar energy. Building regulations should be more flexible to conform to the climatic needs of the northern States and to anticipate future energy uses. Many FmHA homes are built in Montana according to housing standards for the South. In Montana, many homes have single-walled installation in areas with subzero temperatures; some homes have stick-on shingles in areas of high winds; and the plumbing in some homes freezes in the winter making them unlivable.

Mr. Speaker, that concludes my survey of the state of housing industry nationally and its impact on Montana. I hope and trust that my colleagues on the Committee on Banking, Currency and Housing continue to be aware of the housing problems in rural areas and expand their work to solve these problems.

"SUNSHINE"

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. FRENZEL. Mr. Speaker, yesterday I was pleased to vote for the "Government in the sunshine bill," because its worst flaws had been cured by amendment.

The sunshine bill is a logical follow-up to previous actions taken to open up day-to-day Federal operations to public scrutiny. In 1972, we opened up the meetings of executive branch advisory committees. In 1973 House Resolution 259 pried open some of our own processes; 1974 saw significant amendments to the Freedom of Information Act; and 1975 was the year in which Senate committees and conference committees began to open.

The bill passed yesterday was an important reaffirmation of our commitment to the principle of open government.

Three important amendments were adopted to improve the bill yesterday. The amendment deleting the verbatim transcript requirement—a requirement not included in any State's sunshine law, and not included in many of our own committees' rules—was necessary to protect free exchanges of ideas and discussions of national strategies in agencies like the Federal Reserve, the Securities and Exchange Commission, and the Federal Trade Commission.

The amendment redefining a "meeting" will avoid a fuzziness that would invite unnecessary legal action, and make the bill more workable.

In general, the sunshine bill is a useful step forward in opening up the processes of government. There will undoubtedly be some problems which can be resolved by future amendments, but the bill, as it passed the House, is a good one. Hopefully, the Senate will not, in its normally excessive enthusiasm, overdecorate the bill. It is important to bring it into operation as soon as possible, and Senate overexuberance is likely to cause delay.

While we bask in somebody else's sunshine, it is well to remember that the House record for openness is still poor.

We still have no "verbatim record" in the House. Our CONGRESSIONAL RECORD is an exercise in "It might have been." Our committees do not provide public access to verbatim transcripts. Our democrat "King Caucus" has no transcripts at all. A bill to provide TV and radio coverage of House floor proceedings is languishing in the Rules Committee, a victim of leadership pressure. The bill to improve disclosure by lobbyists seems to be making no progress.

While we are patting ourselves on the back for letting sunshine into other folks' business, we ought to try a little of our own.

CONGRESSMAN SYMMS SPEAKS ON MEDICAL FREEDOM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. McDONALD. Mr. Speaker, our colleague from Idaho, STEVE SYMMS, recently introduced legislation which has already received a great deal of attention and support. Aptly titled the "Medical Freedom of Choice Act," the bill would repeal the 1962 amendments to the Food, Drug and Cosmetic Act which require a new drug to be proven not only safe but effective before it may be marketed.

As Congressman SYMMS has pointed out, the efficacy law not only denies American citizens the freedom to choose perfectly safe medical treatments, but has stifled innovation and development of new drugs. Many Americans are now forced to travel to foreign countries to receive safe and effective medical treatment that is not permitted in our country because the FDA spends 7 years or so studying an application to market a new drug.

Clearly the basic premises underlying the FDA drug policy require reexamination. And this is precisely what Congressman SYMMS does in an incisive article titled "Let's Restore Medical Freedom to Doctors and Their Patients" which appears in the July 1976 issue of Private Practive.

As a medical doctor who has directly experienced the harmful effects these policies have on many patients, I enthusiastically call this article to your attention.

LET'S RESTORE MEDICAL FREEDOM TO DOCTORS AND THEIR PATIENTS

(By Congressman STEVE SYMMS—Research Associates: Paula Hawks—Deluca & Larry L. Wasem)

EDITOR'S NOTE.—Since the 1962 Kefauver amendments to the Food, Drug, and Cosmetic Act, the FDA has had authority to regulate the efficacy as well as the safety of drugs. This has led directly to the dramatic decrease in new drugs marketed. We can only guess at the suffering and death thereby caused. Congressman Symms (Republican, Idaho) has introduced legislation, HR 12573, to repeal the 1962 Amendments and thereby expand the medical freedom of choice of doctors and patients. His bill would leave the determination of efficacy where it belongs—in the free marketplace. As was the case before 1962, millions of decisions by practicing physicians and their patients would determine which drugs worked and which didn't.

The Food and Drug Administration, especially since 1962, has embarked upon a campaign of regulatory overkill that has had dire effects upon sick Americans. The result has been therapeutic nihilism.

The story of Floyd Mizell, PhD, of Bogalusa, Louisiana, provides a classic illustration of how the FDA has suppressed drug innovation. Dr. Mizell's dental drug was used and highly valued by a few dentists using it on a trial basis. It enabled them to save even abcessed teeth from extraction. He was encouraged to seek FDA approval of the drug so it could be marketed. He found that such approval would be far too costly, and sought the help of researchers at a dental school in New Orleans. Prior to getting an NDA to market the drug, Dr. Mizell had to have clinical tests. But before he could conduct such tests, with the help of the dental school, he had to secure an IND from the FDA. To get an IND, one must have conducted some prior tests. This "Catch—22" caught Dr. Mizell. His drug will be marketed overseas, as are many products of American innovators. And American patients who might have benefitted from his drug will be deprived of it by government edict. The FDA has become so involved as a drug censor, it has forgotten its affirmative duties to bring new, more effective drugs to market promptly.

FDA PREMISES RE-EXAMINED

Let's look at the five premises upon which the FDA drug policy is based. Dr. William Wardell of the University of Rochester Medical School summarizes them as follows:

1. "Therapeutics drugs should be proven to be safe and effective for their intended uses";

2. "Committees of experts are better able to judge the safety, efficacy, and appropriate usage of drugs than are individual physicians";

3. "Access of a drug to the market is the most crucial and appropriate point at which to exert control over drugs. Strict control over marketing will optimize drug utilization. A regulatory agency is the most appropriate tool to exert such control";

4. "New drug candidates should be exhaustively evaluated, first preclinically, and then clinically, to ensure that they are safe and effective";

5. "No drug shoud be admitted to the market or approved for a new use until the criteria for safety and efficacy have been satisfied."

Dr. Wardell shows these assumptions to be illogical. The first premise would be sound, he points out, were it not for the fact that "safety" and "efficacy" have never been *defined* in operational terms appropriate for a scientific evaluation of drugs. (One of the advocates of more FDA regulation, Senator Gaylord Nelson, recently said, "Drugs are either safe and effective or they aren't. There can be no in-between.") Dr. Wardell asks, what concrete standards exist for a scientist to determine how much "safety" and "efficacy are *enough?* Under the FDA rules, the standards are insufficient at best. A drug which produces a highly desirable effect in a minority of patients will be rated ineffective if that minority is small enough or if it is not properly recognized. As things now stand, FDA's subjective judgments as to efficacy for "society as a whole" will prevail, and the minority of patients who could have benefitted from a drug discovery are ignored.

Underlying this first premise is the FDA's notion that appropriate uses for a drug can be clearly distinguished from inappropriate uses. But this is true only in the context of an individual patient—and even then, this knowledge is established empirically. The trial-and-error nature of a good deal of medical therapy is familiar to all practicing physicians. Dr. Wardell argues, that "as long as there is need for trial-and-error by individual physicians for individual patients, 'appropriate use' must remain an individual concept, not a community concept." Therefore, the evalution of safety and efficacy must remain an individual concept. It, like any therapeutic decision, is a very personal decision which must be made by individual physicians who have special knowledge of their individual patients.

The second premise that "committees of experts" are best qualified to make decisions affecting the whole community is debunked, in large part, by the argument made above. In addition, there is a fundamental conflict in operation here—between the individual and society. The individual physician wants to provide the best possible therapy for his individual patients, but the regulatory agency wants to minimize the incidence of toxicity in the entire community. Thus, regulations designed to protect the majority will often deny great benefits to a minority. This essential conflict is aggravated by the tendency of a regulatory body such as FDA to make excessive allowances for "worst-case" possibilities. The policy is one of too much caution in the approval of new drugs and drug uses, and emphasis upon adverse safety data with inadequate attention to drug benefits.

The third premise is over come by the argument that the true aim of the FDA is not to control the marketing of drugs, but to control the way in which drugs are used. Most effective drugs are hazardous to some degree, and all drugs are hazardous if misused. But for even the most hazardous drugs there are some patients for whom the benefits outweigh the risk. Should our regulatory policy allow the FDA to deny these drugs to the patients who would benefit from them? I think not. By granting vast premarketing controls to the FDA, Congress has missed the whole point. Any prophylactic efforts of the agency—if they are desirable at all—should be limited to requiring safety but not efficacy.

The fourth premise sounds convincing, but it rests on some shaky assumptions about the value of animal toxicity studies, the degree of hazard in early drug tests upon man, and the "exhaustiveness" which can be attained by any premarket clinical testing. Litchfield's 1962 study indicates that the FDA may be way off base when it places great faith in the predictive value of tests upon animals. In this study, it was found that more than half the toxic effects of six drugs upon man were missed by animal screens. And 20% of the toxicity predictions based upon animal studies were incorrect when applied to man. It appears that FDA's assumption that the earliest tests of a drug upon man are the most hazardous is equally illfounded. Indeed, early testing may be the safest. Carr conducted a study at a prison testing unit in Michigan in which 14,000 volunteers had participated in 300 tests over the course of seven years. There was not one incident of serious toxicity. Subjects of such testing were carefully monitored and dosages are carefully controlled. Widespread toxicity can only occur after a drug has been approved for marketing and is used chronically. The third assumption about "exhaustive" premarketing studies ignores the fact that a large number of patients cannot feasibly be studied in an intensive manner. To have a 95% chance of detecting a side effect with a frequency of one in 100, 300 patients would be required. For some drugs, clinical pharmacologists estimate that 15,000 or more patients would be necessary for exhaustive premarketing studies.

The fifth premise, at this point, scarcely deserves rebuttal. There are no objective standards for determining safety and efficacy, nor is there any way that a drug can be exhaustively evaluated before it is introduced in the market.

Important drugs such as penicillin, digitalis, aspirin, and fluroxene might not have received FDA approval if discovered after 1962. Pencillin has a markedly toxic effect upon guinea pigs and the other drugs have appreciable toxic effects upon both animals and humans.

Although the British Health Service is a medical and financial disaster, Britain is way ahead of us in drug regulation. The former chairman of the Safety of Drugs Committee in Britain, Dr. Derrick Dunlop, notes that:

"The main difference between the two systems is that ultimate power to license medicines in the United Kingdom rests with the Licensing Authority acting on the professional advice of the Safety Committees. The decisions of these committees are taken by men whose careers in no way depend upon their membership of the committees on which they serve part-time in a virtually honorary capacity as an altruistic chore. They are assisted, of course, by a small staff of expert professional civil servants . . . but the decisions are taken by the committees. In the US, on the other hand, ultimate power rests with the full-time professional civil servants of the FDA whose careers depend on the correctness of their decisions, and who are subject to formidable grillings by Congressional committees. The FDA has to work under fairly rigid rules by Congress, which seem to rely more upon animal experiments than is usual in the UK."

Dr. Dunlop has stated, on another occasion, that he hoped any new regulation of drugs in England would not follow the US scheme of requiring proof of efficacy. He says, "I believe there is evidence of increasing doubt, even in quarters antagonistic to industry, that these regulatory efforts may not only fall short of their objective but may actually undermine it."

Messrs. Grabowski, Vernon, and Thomas of Duke University commented, in a paper they presented at the 1975 American University Seminar on Public Policy and Drug Innovation, that—

"The greater use of external professional advice in the UK apparently has produced a regulatory incentive structure which is less prone to bias in the direction of caution and delay. This, combined with the greater reliance on medical judgment rather than formal regulatory controls, has meant a system with much shorter time lags in the introduction of new products than has been the case in the US."

WHAT'S THE TAB?

As we examine the profit and loss reports on the 1962 Amendments, it's obvious that there is a net loss. Dr. Francis Davis, PRIVATE PRACTICE's publishers, adds up the expenditures by pharmaceutical companies to prove the efficacy of old drugs which have been placed on the market in the years since 1938, the additional cost to drug companies to secure approval of new drugs because of more strigent regulations, and the government's expenditures to support the administrative operations of the FDA in enforcing the Amendments, and arrives at a total of $12 billion in costs for the first 12 years of the Amendments' existence.

But the Amendments have also delayed the marketing of new, more effective drugs. These delays have meant that illnesses which could have been shortened by an existing new drug have, instead, been prolonged and that some dealths have occurred. Professor Sam Peltzman of the University of Chicago estimates the loss due to missed benefits at $300 to $400 million annually. From this, he subtracts any gains attributed to the law and arrives at a figure of $250 to $350 in net losses for American patients. This is above and beyond the $12 billion cost for administrative and additional testing expenses.

FDA CONTRAINDICATION: DRUG LAG

Everyone (including the FDA) talks about the drug lag, but no one is taking the decisive steps necessary to remedy it. Several experts have conducted comprehensive studies of the drug lag, enumerating specific drugs which were made available in the U.S. only after years of availability overseas. Also included in this listing are drugs which are still unavailable in this country. The β-blockers provide a dramatic illustration of the problem.

Of the β-blockers, only propranolol is available in the U.S. The only approved use for the drug was the treatment of cardiac arrhythmias, until relatively recently. Overseas, two of the major indications for the drug were angina and hypertension. Both the American and British literature were replete with articles advocating the use of this drug for angina. Despite all this, propranolol was not approved for treatment of angina in the U.S. until 1973 and is still not approved for treating hypertension.

A dozen new drugs in the β-blocking family have been introduced overseas that differ from propranolol by demonstrating the following characteristics: cardioselectivity, intrinsic sympathomimetic activity, and less membrane-depressant activity. The newer members of the drug family are still undergoing investigation in the US, and the investigation was halted at one time because of FDA's suspicion that β-blockers might produce tumors in one strain of mouse. Dr. Wardell carefully analyzes the risk-benefit decisions being made by the FDA in the testing of β-blockers and concludes:

The important point is that this type of risk-benefits decision should ultimately be made by single physicians for individual patients, rather than a regulatory agency for society as a whole. There exist identifiable groups of patients who obtain great benefit from certain β-blockers in angina or hypertension, yet who cannot tolerate propranolol. For some of these patients, common sense could clearly indicate use of the newer β-blockers. The need to make decisions of this type has long been commonplace in medicine. The only new element . . . is that the decisions are now being taken by committees on behalf of all physicians and all patients.

Critics of the FDA's rapture with animal toxicity studies point out that the FDA has required additional carcinogenicity studies of β-blockers on animals even though the number of *humans* in other countries currently using the drugs is many times greater than the number of animals that could be realistically contemplated for toxicity tests. The American taxpayers' money might be better spent in sending a crew of FDA investigators overseas to study human patients instead of wasting precious time and dollars to pump animals full of β-blockers.

As compared with other developing nations, our drug lag is blatant. During the years 1965 to 1969, France showed an average lead time of one year in introduction of new drugs. Germany's average lead time as contrasted with the US was 1.6 years, and England's average lead time was 2.1 years. These averages hide even more dramatic drug lag in the case of specific drugs. Cotrimoxazole was introduced in the US five years after becoming available in Britain. The US was the 106th nation to approve the drug. Fenfluramine was approved for use in the US nine years after its introduction in Britain.

Dr. Lewis Sarett in Research Management says that from 1962 until 1972, development costs per New Chemical Entity rose from $1.2 million to $11.5 million. In addition, he suggests that total development time for an NCE was 2.5 years in 1962 as contrasted with 7.5 to 10 years in 1972.

V. A. Mund, in "The Return on Investment of the Innovative Pharmaceutical Firm," has looked at the R&D costs of the drug industry and concludes that whereas it used to take $1.5 million to produce a new single entity, it now takes $15 million.

WHERE FROM HERE?

Several years ago, Dr. Edward Freis, who won the 1971 Lasker Award for his studies of hypertension, was heard to lament that no new anti-hypertensives had been put on the U.S. market since 1963. When I contacted Dr. Freis about my legislation, he exclaimed, "Do you mean commonsense may yet prevail in the Congress?" We can always entertain that hope! I am optimistic that my colleagues in the Congress will react favorably to the repeal of the 1962 law once they are presented with the facts. Doctors and patients alike can be of tremendous help in this legislative effort, by writing their own Congressmen and demanding that individual freedom of choice be restored to physicians and patients.

I believe that far more Americans want to be protected from government officials than want to be protected from their own physicians. Recent opinion polls show politicians as low men on the totem pole of public esteem. Doctors are rated very high, despite the best efforts of the "progressives" in Congress who seek headlines by criticizing the medical profession and by attempting to shackle its members with government regulation. Some say that my legislation is an attempt to "turn back the clock." But what has really turned back the clock on drug development in America? The Congress, the FDA, and the 1962 Amendments.

The garden variety American has common sense. He knows that the most ineffective drug is the one which is not on the market when he needs it!

FOREIGN INTELLIGENCE SURVEILLANCE ACT EXAMINED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. DRINAN. Mr. Speaker, the Foreign Intelligence Surveillance Act of 1976 (H.R. 12750 and S. 3197) continues to generate extended discussion over the merits of congressional authorization for executive branch surveillance activities. Such debate arises largely because, for the first time in American history, this measure would allow electronic surveillance of conversations unrelated to criminal conduct.

The July 31 issue of the Nation includes a series of articles on this timely subject. The bill is presently pending before a judiciary subcommittee. I am having excerpts from those articles reprinted here so that my colleagues in the House may have the benefit of their analyses. The item entitled "Legitimizing the Buggers," is an editorial:

"LEGAL" BUGGING? PROS AND CONS OF S. 3197

Charles Morgan Jr.:

Attorney General Levi and Senator Kennedy wrote it. Liberals and conservatives co-sponsored and voted for it. President Ford will sign it. With that kind of bipartisan support from the Washington Establishment, there must be something wrong with it.

And there is: "The Foreign Intelligence Surveillance Act" (S. 3197) is a clever deception, another manifestation of Washington's habitual thirst for compromise at all costs and of the liberals' weakness for the illusion of reform at the expense of the substance. Of course, the supporters of this measure will disagree. They will claim that the Senate Judiciary Committee's June 14th approval of the wiretap bill by an overwhelming 11–to–1 vote represents a happy, even "historic," moment—resolving the long-standing stalemate between the executive and legislative branches over the President's "inherent power" to order wiretaps and buggings for "national security" purposes.

To be sure, the bill does provide for minimal judicial supervision over these activities. But this is the quintessence of the deception, for it disguises a host of nasty concessions that go far toward legitimizing a permanent national security state.

Only John Tunney, the Democratic Senator from California and the successor to Sam Ervin as chairman of the Constitutional Rights Subcommittee, cared enough to vote against the consensus.

Senator Tunney's debate with the other members of the Judiciary Committee centered on his objections to the elusiveness of the bill's definitions (what does "clandestine intelligence activity" mean?) and the bill's authorization (for the first time in history) of bugs, wiretaps, and breakins of U.S. citizens who are committing no crime.

On the Senate floor Tunney will emphasize the bill's faults: the bill's silence on National Security Agency taps and bugging of Americans abroad; the disclaimer section that continues to acknowledge the President's "inherent power" to act virtually as he pleases whenever he deems it necessary and thereby vitiates even the minimal protections established in the preceding sections; the bizarre, last-minute inclusion of a moratorium on all controls whenever new and presumably more sophisticated electronic equipment is being "tested"; the ways and means of conducting "pre-tap" investigations to determine whether the target is an agent of a foreign power and to identify the preferred location for the subsequent electronic surveillance; and the circumvention of normal judicial process to allow the Chief Justice secretly to hand-pick seven special judges and to prohibit other federal judges from ruling on warrant applications.

Tunney's lonely courage was obscured by the sound and fury surrounding the Judiciary Committee's approval the same day of the oil divestiture bill. But there is still time to slow the Washington Establishment's rush to judgment—provided, of course, that the two committees that still have jurisdiction over the measure (Sen. Daniel K. Inouye's new standing committee on intelligence and Sen. Birch Bayh's subcommittee of it, and a House subcommittee chaired by Rep. Robert W. Kastenmeier) decide to take the time to study the issues raised by Tunney. It is a thankless task, however: the arrogance of Washington's largest law firm, the Justice Department, was "perfectly clear" when Attorney General Levi refused to answer the thirty-six detailed questions from Tunney, the chairman of the Senate's only Constitutional Rights panel.

Senator Edward M. Kennedy:

For the last five years various Senators, including myself, have labored unsuccessfully in an effort to place some meaningful statutory restrictions on the so-called "inherent power" of the Executive to engage in electronic surveillance for the purpose of obtaining foreign intelligence information. Bills have been introduced only to die a slow death in committee; speeches have been made only to fall on deaf ears; inquiries made of the Nixon administration were ignored or answered in a halfhearted way. The sad fact is that despite five years of effort by a small group of Senators the rule of law simply has not applied to foreign intelligence electronic surveillance.

Until this year. On March 23 I introduced S. 3197, a bill designed to regulate such surveillance. This legislation would require that all such surveillance be subject to a requirement that, before such surveillance could occur, a named executive branch official certify in writing and under oath that such surveillance is necessary to obtain foreign intelligence information. It would, for the first time, expressly limit whatever inherent power the President may have (the Supreme Court has never resolved this issue) to engage in such surveillance in the United States. It would provide civil and criminal sanctions to those who violate its provisions.

Just as important is the fact that, at long last, legislation restricting such surveillance has a better than reasonable chance of Senate passage. It was the first time in more than eight years that any comprehensive electronic surveillance legislation had been reported out of the Senate Judiciary Committee.

Now comes Christopher H. Pyle in the May 29th issue of "The Nation" labeling the legislation "regressive," calling it a "fraud" and urging its defeat. Aware of his well-intentioned concern, nevertheless I believe that the defeat of this bill would be tragic. Legislation can hardly be labeled "regressive" which, for the first time, attempts to place foreign intelligence electronic surveillance under the rule of law. Mr. Pyle's concern over the "funny warrant" requirement ignores the fact that today there is no warrant requirement at all ("funny" or otherwise), and that the courts currently have absolutely no role to play whatsoever in this area.

Nor should he give such short shrift to the certification procedure. This bill requires a named executive branch official to certify in writing that the surveillance is necessary. There can be no "passing the buck" on the issue of responsibility and authorization; in any civil or criminal litigation the executive designee will be called on to justify his actions.

Many of Mr. Pyle's other specific criticisms have been met by amendments to the bill: for example, the Presidential disclaimer has been completely rewritten to clarify the Congressional limitations on the Executive's inherent power; any person aiding a foreign agency who is acting "pursuant to the direction of a foreign power" must be a knowing participant; and the bill has been appreciably altered to provide access by a defendant to materials obtained by means of this surveillance and subsequently used in a criminal proceeding.

The bill is not perfect but I am hopeful that further changes may yet be made in the House and in the Senate-House conference.

This salient point, however, must not be overlooked—for too long the American people have lacked any legal safeguards protecting them against the abuses of foreign intelligence electronic surveillance. Until this year efforts at providing such safeguards were exercises in futility. Mr. Pyle should view this bill for what it is—a major effort by the Congress, long overdue, to place foreign intelli-

gence electronic surveillance under the rule of law. This bill does achieve that goal.

Christopher H. Pyle:

I regret to find myself so profoundly in disagreement with Senator Kennedy and his national security wiretap bill. No one in the Congress has done more than he to bring government eavesdropping under control or has taken more political risks to bridge the ideological gaps that unfortunately separate liberals from conservatives on this issue.

His bill, however, would concede too much. Its "funny warrant" procedure, which would forbid judges to question the government's need for foreign intelligence taps or bugs, would make a mockery of the principles of checks and balances and an independent judiciary. The bill's apparent endorsement of the theory that foreign visitors are not entitled to protection from unreasonable searches and seizures reviews a nativist interpretation of the Fourth Amendment that should remain on the constitutional junk heap, to which it was consigned after the infamous Red raids of 1919 and 1920. Its definition of "foreign agents" vulnerable to surveillance still remains mischievously broad, while the so-called "disclaimer" provision continues to lend credence to the pernicious doctrine that the executive branch has a legislatively uncheckable power to tap and bug at will in the name of foreign intelligence or national security.

These legislative "compromises" are not mere accommodations among constitutionally acceptable means. They would resolve a judicial uncertainty by denying to all people—citizens, resident aliens, and foreign visitors—the promise of the Fourth Amendment.

The chief argument of liberals who support this bill is that it is needed to forestall an even worse Supreme Court decision exempting all foreign intelligence tapping and bugging from Fourth Amendment restraints. While I share that concern, I would prefer to live with such a decision than to see the Kennedy-Levi bill—which would accomplish nearly as much—enacted into law and approved by the Court.

Fortunately, that need not be the choice. There is no reason why the government cannot electronically monitor embassies, diplomats, military attachés, suspected espionage agents, trade negotiators, and other sources of substantial foreign intelligence information under a bona fide warrant procedure that preserves the independence of the judiciary, provides a potential check on overreaching officials, and protects those privacy interests we have come to associate with the Fourth Amendment. To do so, however, requires a coherent theory of what the Fourth Amendment means in the context of national security taps and bugs.

When the nation's spy chiefs seek to conduct surreptitious searches through wiretapping and bugging, they should be required, as a matter of constitutional interpretation, to obtain a warrant first. In rare emergencies, Congress might permit them to spy first and request permission later (hours later), but judicial permission should be required. The principles of limited government, guaranteed liberties, and checks and balances compel this interpretation of the Fourth Amendment's warrant clause; to read it otherwise would leave us without any independent check against the unconstitutional activities of our electronic spies.

The warrant procedure must be the traditional one in which the judge weighs all the competing interests and values in light of the totality of the circumstances. The government must tell him not only who is to be monitored and where the taps or bugs are to be placed, but what kinds of conversation it expects to intercept and what kinds of information it hopes to obtain. It must also explain, in revealing detail, why its need for the information is so great that it should override the individual's constitutional right of privacy. Anything less, such as the Senator's certification procedure, which allows executive officials to decide for themselves whether the surveillance is needed, provides no check or balance against official wrongdoing—the very function that warrants are supposed to serve.

Proposals like the Kennedy-Levi bill continue to be opposed not because judicial resolution would be wiser or more legitimate but because the executive branch continues to demand essentially unlimited surveillance powers and will not explain why those powers are needed or how they would be used. The bill Senator Kennedy supports is not a mere counterespionage measure necessary to our nation's security and unthreatening to our liberties. It is a broad surveillance charter which would allow American intelligence agencies to tap and bug foreign embassies, diplomats, military attachés, members of foreign delegations, visiting employees of foreign governments, and all Americans with whom they communicate, virtually without restraint. It is reasonable to assume that the U.S. Government would use this power not only to gain the advantage in diplomatic and trade negotiations but to spy on Senators who communicate with foreign lobbies, Congressional staff members who draft trade legislation, business executives who trade in strategic commodities, lawyers who represent foreign governments and corporations, and advertising men who dispense foreign propaganda. The CIA and FBI can be expected to use this authority, not only to spy on their foreign counterparts but to discover the weaknesses of people—Americans, resident aliens, and foreigners—whom they would like to blackmail into becoming spies, or "neutralize" through the leakage of embarrassing information. These potential uses of the surveillance power, posing the gravest constitutional and moral questions, remain unmentioned in the public debate over the Senator's bill.

Senator Ervin used to keep a framed quotation on his office wall which warned: "No man's liberty or property is safe when the legislature is in session." That reminder hung there not because Sam Ervin was hostile to Congress or its functions but because he knew its limitations. Most lawmaking involves bargaining in which fundamental principles have to be ignored. Little would get done if everyone involved in the legislative process consistently stood on principle.

Laws affecting fundamental liberties, however, deserve a higher standard of care. The fact that the Fourth Amendment is couched in splendid ambiguities does not mean that legislators should agree upon whatever search and seizure legislation will pass and leave the constitutional considerations to the courts. There are certain constitutional minimums which responsible legislators should never trade away, even if it means living with executive misconduct until the next round of scandals.

Principles bargained away cannot easily be reclaimed. What wiretap legislation Congress passes this year will have a powerful effect on future efforts to curb the use of informants, mail openings and surreptitious entries. A law which creates sham warrants, reads a whole group of people out of the Fourth Amendment, and implies that the executive has a legislatively uncheckable power to spy, will come back to haunt us all.

EDITORIAL—LEGITIMIZING THE BUGGERS

There can be no doubt about the motives of Senator Kennedy (D., Mass.) in attempting "to place foreign intelligence electronic surveillance under the rule of law." It would be "for the first time," as he points out in a communication to this magazine which we publish in this issue, along with an answer from Prof. Christopher Pyle and a comment on this whole question from Charles Morgan. The problem is entirely one of legal constitutional craftsmanship.

As Senator Kennedy writes, the effort to enact the bill labeled S. 3197 arises from the extraordinary fact that, from its primitive technical beginnings right down to the amazingly sophisticated present, "the rule of law has not applied to foreign intelligence electronic surveillance." All tapping and bugging was left to the uninhibited discretion of the agents of the federal government. Normal constitutional protections, especially those against "unreasonable searches and seizures," as the Fourth Amendment puts it, were entirely missing unless, against all odds, the courts somehow managed to intervene.

The trouble is that the protections Kennedy seeks in the measure he, principally, worked out with Attorney General Levi, turn out to amount to what Pyle calls "a broad surveillance charter," despite the good-faith effort to check the abuses of the unrestrained past. The attempts to restrict and codify the pervasive business of spying "go far," in the words of Charles Morgan, "toward legitimizing a permanent national security state."

That is certainly not what Kennedy and his fellow reformers are after. As the Senator's statement shows, he still does not believe that this would be its effect. But Pyle, in his original article in *"The Nation"* (May 29) and in his response to Kennedy in this issue, makes a persuasive case against S. 3197 as it now reads. It seems to us that the codification of the relatively minor reforms in the present dangerous practices of electronic surveillance are more of a threat than a help to the liberties compromised by this activity of the "national security" agents.

Perhaps the present bill is hopelessly warped by traditional wrong assumptions about the true nature of "national security" and of the need for "secrecy" and spying. In any event, here's a classic case of the cure being worse than the disease. Senator Tunney deserves the credit Morgan gives him for his stubborn resistance to S. 3197. And he should be joined by others, including Kennedy, in either changing the bill to meet the strictest constitutional standards, or defeating the measure as it now reads.

IN TRIBUTE TO HERMAN SALOGAR

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. TRAXLER. Mr. Speaker, it is my pleasure today to commend the length and admirable public service record of Mr. Herman Salogar of Bay City, Mich. Mr. Salogar served in the Bay City Fire Department for 25 years, attaining the rank of lieutenant, and has also worked as an officer of the Municipal Credit Union. On July 31, he will be retiring from the credit union. I am pleased to provide you and my colleagues with some information about the accomplishments of Herman Salogar.

Herman was born on July 9, 1911, in Glassbay, Nova Scotia. His parents, Bernadine and John Salogar, raised him in the mining districts of Kentucky, Ohio, West Virginia, Pennsylvania, and Michigan.

Herman married Florence Willette on October 8, 1931, and it has been their very good fortune to have four children, Patricia, Kay, John, and Mike, and to be the proud grandparents of 11 grandchildren.

Mr. Salogar joined the Bay City Fire Department on April 17, 1945, and achieved the rank of lieutenant. He retired from the department on July 3, 1970, after 25 years of service and was greatly respected by the men.

The fire department was not Herman's sole involvement. He was one of the original signers of the Bay City Municipal Credit Union charter, dated December 1950; and he has served on the board of directors for 26 years. During those years he had at various times held the posts of treasurer-manager, vice president, and president of the credit union. Following a position of part-time treasurer-manager, he became the permanent treasurer-manager in 1968. He holds this position until this retirement.

During his years of service to the credit union, he has seen it grow from a $1,284 fund to the $3 million Bay Government Credit Union it is today.

He also held the chairmanship of the Wenonah chapter of the credit union between 1963 and 1975, and served as vice chairman of the chapter executive committee from 1959 until 1976.

Herman Salogar has been especially active in chapter legislative programs, and is currently the legislative forum representative from Wenonah for State chartered unions.

Herman has also been very involved at the Visitation parish in Bay City. His religious convictions have been very important for him, and he has served as president of the Home and School Association, a member of the Usher's Club, and the parish's financial committee. He also belongs to the Elk and Moose fraternal organizations, and the Exchange Club.

The kind of energy that Herman has exhibited for the public benefit in the last 40 years is most commendable. His participation in civic affairs has contributed greatly by helping make Bay City a better place to live. Our Nation needs more men of his character and dedication.

Mr. Speaker, I ask you and all of my colleagues in the House to congratulate Mr. Herman Salogar on an extremely fruitful career, and wish him the best in his well-deserved years of retirement.

ANOTHER PRIVACY PROBLEM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. GOLDWATER. Mr. Speaker, I read with interest an article that appeared in the Washington Post the other day, written by William Raspberry. The subject of that article was the encounter between his wife and the Division of Motor Vehicles of the District of Columbia over her attempts to get her drivers' license renewed. Of central focus was the adamant refusal of the local bureaucrats to permit renewal unless Mrs. Raspberry produced her social security card. Simply put, the bureaucratic system in the DMV would not function with Mrs. Raspberry producing her standard, universal numeric identification card—her social security card.

If I remember correctly, Mr. Raspberry was commenting more on the nature of a bureaucratic system, its inexibility, obstinacy and blind, unfeeling adherence to procedure, rather than analyzing the personal privacy aspects of his wife's adventure.

Well, in yesterday's Washington Post there appeared another article by Mr. Raspberry entitled "The Instant Dossier." Apparently his wife's experience with the social security number encouraged a wider analysis of the privacy implications the pervasive, mandatory use of numeric identification systems hold.

This article is particularly interesting because it is discussing an attempt in the Senate to undo the Current Privacy Act of 1974 moratorium on the use of the social security number as a standard, universal numeric identifies. The situation in the Senate is a marvel. It was the Senate that added the Privacy Protection Study Commission provisions and its specific tasks to the Privacy Act of 1974. Among many charges, that Commission was directed to study the implications and effects of the use of the social security number as a standard, universal identification number. That act, now Public Law 93–579, required the Commission to report back to the Congress no later than June of 1977.

The situation that Mr. Raspberry addresses himself to is the attempt, currently pending in the Senate, to undo the moratorium through a provision in the Tax Reform Act. I believe that many of the supporters of the Privacy Act of 1974 will find Mr. Raspberry's article most interesting.

THE INSTANT DOSSIER

(By William Raspberry)

"For Social Security and tax purposes—not for identification."

If you haven't noticed that message across the bottom of your Social Security card, no matter. It doesn't mean much. And there is a good chance it will mean even less in the near future.

The Social Security card is well on its way to becoming the universal, mandatory item of identification: for police departments, motor vehicles department, the military, creditors.

It was concern over the increasing use of the Social Security card for identification—no matter what it says across the bottom of the card—that led to the inclusion of this prohibition in the federal Privacy Act of 1974.

"It shall be unlawful for a Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security number."

But having yielded up a good bucket of milk, the legislators then proceeded to kick it over by exempting from the proscription "any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual."

It is this "grandfather clause" that makes it possible for the D.C. Department of Motor Vehicles, for instance, to demand proof of a Social Security number before issuing driver's licenses.

Under terms of the Privacy Act, there was at least protection against additional demands for the Social Security card as ID. Agencies, already requiring it could continue doing so, but no new agencies could start the practice.

Whatever protection that affords would be wiped out in the tax bill now before Congress.

"It is the policy of the United States," says Section 205(C)(1) of that bill, "that any State (or political subdivision thereof) may, in the administration of any law or program within its jurisdiction, utilize the Social Security account numbers issued by the Secretary for the purpose of establishing the identification of individuals affected by such law or program, and may require any individual who is or appears to be so affected to furnish . . . (his) Social Security account number."

Whereas the Privacy Act permitted the continued use of Social Security numbers primarily so that government agencies wouldn't have to undergo major overhauls, the proposed tax bill positively encourages the unrestricted use of the numbers as identification.

And what is so bad about the obviously efficient notion of having a single identifying number for each American?

In a way, the question is like asking what is bad about the loss of privacy for people who aren't doing anything they are ashamed of. Protecting privacy may have nothing to do with being found out but only with being left alone.

The U.S. Congress, in the findings on which the 1974 Privacy Act is premised, said that:

"The privacy of an individual is directly affected by the collection, maintenance, use, and dissemination of personal information by Federal agencies.

"The increasing use of computers and sophisticated information technology, while essential to the efficient operations of the Government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use or dissemination of personal information.

"The opportunities for an individual to secure employment, insurance, and credit, and his right to due process, and other legal protections are endangered by the misuse of certain information systems. . . ."

The nightmare is of the instant dossier, the fear that some unknown computer operator will be able to put you together from bits and pieces of information—true and false—stored in data banks from the Internal Revenue Service to the local savings and loan.

Obviously, it would be a lot easier to put you together if you existed in every data bank under the same Social Security number.

Apparently, it's easy enough as it is. Two years ago, NBC's Ford Rowan reported on the secret development of an interface message processor (IMP), a device that permits computers using different language systems to "talk to" each other by translating each computer's language into a common IMP language. Once the translation problem is licked, Rowan pointed out:

"Setting up a computer network involving virtually any computer, government or private, is almost as easy as making a telephone call. Computers can be hooked together by phone. Once you know the codes for the computers involved, it's simply a matter of dialing in and getting the information. . . .

"Computers can be hooked together, your records collected in a matter of minutes, then the system can be disconnected, and there's no evidence left behind of what's happened."

Not having a single identity number might not make it impossible to put together the instant dossier but it would certainly make it more difficult. Which is reason enough to oppose that troublesome provision in the tax bill.

It would seem that those legislators working on the bill could find enough to do by way of honest tax reform without trying to hustle through legislation to reduce us all to numbers in the name of efficiency.

ILLEGAL MOTOR CARRIERS

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. RISENHOOVER. Mr. Speaker, since February, I have pressed the Department of Defense to stop using illegal motor carriers to haul ammunition and firearms.

I have written Secretary Donald Rumsfeld urging the use of regulated, responsible carriers who are efficiently and carefully controlled by the Interstate Commerce Commission—like Congress mandated.

I called his attention to the April 14, 1976, report by the House Armed Services Committee on "thefts and losses of military weapons, ammunition, and explosives." It said:

It is only a question of time before thieves begin to concentrate their efforts on the most vulnerable points in the Departments' facilities.

I believe that unregulated carriers, traveling the lonely highways with weapons of war, are one of "the most vulnerable points" for hijackers.

The problem has been most lucidly described in the July 1976, issue of Commercial Car Journal, in an article by Jean Strickland. I quote part of that report:

EXCERPT FROM COMMERCIAL CAR JOURNAL

(By Jean Strickland)

Illegal trucking has been a problem for regulated carriers for as long as there have been laws governing commerce.

The Interstate Commerce Commission has neither strength of authority nor manpower to enforce many of its regulations. Even with an aggressive compliance program, chances of an illegal trucker being apprehended on a given trip are less than three percent.

It is impossible to determine with any degree of accuracy the amount of freight moving illegally . . .

If illegal carriage has merely held steady, that percentage today would represent $1.5 billion in lost revenues. But all indications are that illegal trucking has grown and will continue to grow.

Some experts believe as much as 25% of all trucks on the highway are violating either federal or state laws with respect to the type of freight they are carrying.

There are many kinds of illegal transport: the exempt or private carrier hauling regulated commodities on the backhaul; illegal leasing operations; and regulated carriers hauling outside their authority, to name just a few.

But the most rapidly growing and insidious of all illegal operations is the bogus agricultural cooperative. A recent confidential ICC staff study on the Commission's enforcement and compliance program expressed grave concern over the growth of these so-called "co-ops." In the past 10 years, the report says, co-ops have grown to such an extent that they are handling a "substantial portion of all freight shipped out of the Southwest."

Two major pieces of legislation and a number of precedent-setting court cases affect co-operatives. The first, the Agriculture Marketing Act of 1929 provides for establishment of "co-operative associations" in which farmers may "act together in processing, preparing for market, handling and/or marketing the farm product . . ." of members. It provides that co-operatives must be operated for the mutual benefit of its members.

James C. Johnson, professor of marketing and transportation at the University of Tulsa, writing in the Transportation Law Journal, said: "This point which appeared so patently clear when the Marketing Act was written in 1929 has become the focal point for a very controversial issue during the last decade."

This feeling has been accentuated by the government's own use of co-ops. In 1966, shortly after the Northwest court decision was handed down, the Defense Department announced it would use co-ops whenever they could meet military requirements for safety and reliability and when their use would result in a lower overall cost to the government.

Despite concerted protests from regulated carriers, DOD used co-ops extensively during the Vietnam War. At one time, DOD had more than 20 on its list of approved carriers. And many of these co-ops were used to haul dangerous explosives.

University of Tulsa professor Johnson says he finds the DOD policy towards co-ops "lamentable."

"It is ironic, for DOD, more than any other government agency, should know the value of having a strong common carrier system during a time of national emergency," he said.

Paul Chagnon of the Military Traffic Management Command, said there are only four agricultural co-ops on the current DOD approved list, none of which are approved to carry Class A or B explosives. They are: Big Sky Farmers and Ranchers Cooperative, Midwest Growers, Tillamook Growers Cooperative and United Agricultural Transportation Association.

Big Sky and Tillamook are both under investigation by the ICC. Chagnon said this doesn't make any difference. He said carriers are selected on the basis of the following criteria: ability to provide the service, cost and fuel economy. If all three factors are approximately equal, an effort is made to distribute shipments as equitably as possible among the available carriers.

In the 12-month period ended September 30, 1975, the co-ops hauled the following tonnage for the Defense Department: Big Sky, 2815 short tons; Midwest Growers, 7886 short tons; Tillamook, 1759 short tons; and UATA, 6147 short tons. This accounted for approximately two percent of DOD's freight revenue bill for that period, with a value of $3.16-million.

But the use of co-ops by the government is not limited to just the Defense Department. The traffic manager of a government department that ships millions of tons annually, told CCJ he is under "constant pressure" from superiors to use non-regulated carriers. Fear for his job made him request that his name be withheld. "It really appears that the government is trying to freeze out the regulated carriers," he said.

Is there any solution? A number of states have effective regulatory enforcement programs, but where co-ops are concerned, they too are handicapped by the inability to determine whether a shipment falls within the elusive 15 percent.

Even so, approximately 41 percent of the arrests made in one state's monthly roadcheck alone, according to Lawrence, involved co-op vehicles. The states get co-ops for failure to have a current state registration or for hauling regulated commodities under a trip lease agreement, since the ICC has ruled that trip-leasing regulated commodities by a co-op is illegal because the shipment cannot meet the incidental and necessary test.

I told Secretary Rumsfeld:

While I know President Ford wants to abolish the Interstate Commerce Commission and create a chaotic condition in the motor freight business, you have the responsibility to enforce the law until it is changed.

Mr. Speaker, I believe the time for action is now—that the DOD should act responsibly and action should be taken to curtail illegal truckers.

CALL FOR ACTION ON HUMPHREY-HAWKINS BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. RANGEL. Mr. Speaker, the 94th Congress has been a productive one in many respects. One area in which we have not been particularly successful however, is in solving the unemployment problem which continues to face our country. While our override of the President's veto on S. 3201 has given those of us deeply troubled by the plight of those out of work, cause for hope, much remains to be done.

One of the most crucial pieces of legislation which remains on our agenda is the Humphrey-Hawkins bill. I fear that during the past months as unemployment rates inched downward somewhat, many of my colleagues came to feel that passage of H.R. 50 was unnecessary. Now, however, there is no excuse for inactivity. Unemployment has once again begun to rise and millions are suffering. The most effective way to put people back to work, and in the process, to enliven our sagging economy, is by adopting this legislation.

Critics of Humphrey-Hawkins have argued that the bill is inflationary and will, therefore, do more harm than good. However they have exaggerated the relationship between unemployment and inflation and have seemingly failed to recognize that unemployment is itself inflationary in that we lose the productive power of the idle potential manpower. Thus their position ignores firstly the humanitarian reasons for action, and second, sound economic teaching.

The following editorial by Coretta Scott King speaks eloquently for the passage of H.R. 50. I hope my colleagues will give it their most thoughtful attention:

[From the Consumer Federation of America, Washington, D.C.]

HUMPHREY-HAWKINS OFFERS HOPE TO UNEMPLOYED

(By Coretta Scott King)

It probably requires someone who is black to fully comprehend the helplessness, loneliness, and anxieties of the unemployed. They are consciously and deliberately ignored as much as possible by the larger society. With the same design, great effort is made to hide the unemployed; to erase them from visibil-

ity and to blank out the constricted lives they live.

A very intense campaign has been underway to establish that no one really cares about unemployment. It is contended that only inflation engenders concern and fear. After all, it is said, 92.5 percent are employed and only 7.5 percent are unemployed. It does sound small put in these bland, cold terms, and there are no cries of anguish to disturb the sleep of the vast majority. But now put it another way: seven million, three thousand people, mostly adults, are without jobs. True, they eat—but not too much; they have some sort of shelter, some even have health care. But many, including children, are in chronic ill health, or are ill nourished; and are living a life of punishment and systematic abuse as if they had done some evil to this nation.

Psychologically, they are mauled even more terribly. Because they are what the English call "redundant", they are struck with the sledge hammer of inferiority. To be deprived is bad, but to be deprived among the secure and privileged is far worse.

The truth is millions of jobless living among us have lives of misery and we have the ability to change it. The truth is, we should change the condition out of our moral concern. But if that be too feeble, there is another reason. The sordid existence they endure today may be ours tomorrow.

Let us put the issue sharply:

We say the unemployed can be provided jobs at productive labor with decent wages. It has been done in other developed countries without curbing profits or liberties. Indeed, where some of the nations have encountered small increments of unemployment lately, it is due to the slowdown of our economy impinging on their's.

We say full employment does not entail galloping inflation. This period has demolished the myth of the "Phillips curve". As jobs moved down and prices went up, exactly the opposite of its predicted motion occurred. The auto industry dramatically threw hundreds of thousands out of work and simultaneously lifted the prices of its cars. The building trades have not seen such unemployment since the depression of the thirties, and yet the prices of houses are so high that home ownerships is once again the American dream for only 15 to 20 percent of the dreamers.

The most appalling waste in times of high unemployment is the human deterioration that idleness induces. The question that should haunt us most is that self-respect and self-confidence are drained away as enforced idleness keeps people from the sense of usefulness a job provides. How haunted are we by the presence of parents without employment who must retain the respect of their children? How haunted are we by the literally millions of young peoplle who are entering adulthood without any work experience or any possibility of finding a job?

Recently, the Humphrey-Hawkins Bill (H.R. 50—S. 50) has been introduced in Congress: my belief is that this wise piece of legislation would go a long way toward making the American dream—of fruitful work and a place in society—a reality. Passage would be in the American tradition that brought about the enactment of Social Security Legislation and Unemployment Compensation Insurance, which over the years has done much to provide dignity and a sense of security to many who would otherwise be leading lives of misery. The Humphrey-Hawkins Bill would place the responsibility on government to plan for jobs for all who are willing to work:

1. The President is directed to shape both short-term and long-term plans for a full employment economy and submit the plan to Congress. The President's budget must be tailored to produce full employment.

2. Most jobs would continue to be provided by private business. But if the economy falters, there would be permanent provision for public service and public works jobs, and special grants to cities and states.

3. The Federal Reserve Board must report to the President and Congress on the plans it will follow in such areas as setting interest rates and the money supply.

4. There would be special programs to help so-called depressed areas, and to assist young people completing school who have to find jobs.

5. The Council of Economic Advisers must keep an eye on the cost of living and be prepared with recommendations to keep prices down if inflation threatens.

For millions of Americans, the current governmental policies have substituted welfare for work. The Humphrey-Hawkins Bill, if enacted, would put the resources of the federal government behind the efforts to reduce unemployment to 3 percent in four years.

Everyone has a sense that the seams of society are under intense strain. The powers that be are engaged in a substantial gamble. They may succeed for a time in diverting attention from unemployment and its solutions. But nothing would so resolve our national strife as the elimination of competition for jobs.

What this country needs, now and permanently, is a change of heart and an iron determination to provide work for all. It is long since due that all Americans, black and white, young and old, men and women, are able to earn an adequate living for themselves and their families.

STRONG OBJECTION TO FPC NATURAL GAS PRICE RISE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. HEINZ. Mr. Speaker, I object strongly to the decision announced Tuesday by the Federal Power Commission that would result in massive price increases in the price of natural gas from existing wells, and applaud the Federal court panel decision to stay the action until the decision can be fully studied.

The court's decision will save consumers about $4.1 million a day.

Mr. Speaker, I believe the FPC decision to raise prices to be both without justification and without purpose.

If, as the FPC says, it is trying to stimulate production of new natural gas sources, then it should raise only the price of new gas—that is, gas discovered after a date today or in the future.

Instead, the FPC has raised the price of a great amount of gas that has already been discovered and is already being produced. Not only will that do nothing to stimulate discovery, it will serve only to hit the consumer directly in the pocketbook.

Nowhere has the FPC judged the impact of its decision upon the gas user who must live on a fixed income. Nowhere has the FPC judged the indirect impact of its decision—that is, the impact on the price of goods and services that depend upon natural gas for the production proceess.

Mr. Speaker, the FPC has attempted to add at least $1.5 billion to the national fuel bill. It would only mean new prices, not new gas, and it must be stopped.

IRISH AMERICANS WANT PEACE IN NORTHERN IRELAND

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. WOLFF. Mr. Speaker, as one who has been privileged for many years to work with Irish Americans in my home district of Queens and Nassau Counties in New York, as well as leaders of the Irish-American community across our Nation, I feel I can speak for them in this sense—no group in the world more desires peace and justice to be restored to the troubled land of Northern Ireland.

Today I am pleased to present for the RECORD the words of the Hon. John M. "Jack" Keane, national president of the Ancient Order of Hibernians. President Keane has presented very forcefully and clearly the views of many millions of Irish Americans on the situation in Northern Ireland, and what can be done to alleviate the violence there.

Finally, it gives me great personal pleasure to include in today's RECORD an account of the appointment of my old and dear friend Martin "Matty" Higgins of Nassau County as national chairman of the Freedom for All Ireland Committee.

I know that the concern for human rights for all Irish men and women will be translated into positive accomplishments in behalf of peace in Ireland by Matty Higgins and Jack Keane.

The articles follow:

[From the National Hibernian Digest, July–August 1976]

NATIONAL PRESIDENT RENEWS PEACE INITIATIVE IN LETTER TO NEW BRITISH PRIME MINISTER

Rt. Hon. JAMES CALLAGHAN,
Prime Minister, Parliament House, Westminster, London, England

Mr. PRIME MINISTER: Approximately two years ago, and with a feeling of cautious optimism, my predecessor, Hon. Edward J. Fay of Pittsburgh, wrote to your predecessor, Rt. Hon. Harold Wilson, suggesting that the best hope for peace in Ireland lay in the ultimate disengagement of the English presence from Irish affairs. Our optimism was based upon the fact that, whilst leader of Her Majesty's Loyal Opposition, he had suggested a definite 15-year disengagement process.

Unhappily our optimism was short-lived. Mr. Wilson's government fell into the same trap as his Tory predecessor's. Lacking any firm Irish policy, H.M. Government seeks short-term military solutions to what is essentially a political problem.

The recent introduction of more SAS troops into those six of divided Ulster's nine counties known as "Northern Ireland" is an event which the present generation of the Irish people regard as a virtual return of the "Black and Tans." Such terror tactics did not pacify Ireland in the 1920's, nor can they be expected to work today. All that this accomplishes is to violate the truce, aggravate the situation, make England again liable to judgment before the European Commission on Human Rights at Strasbourg, and strengthen the resolve of the nationalist community to be free. We suggest that this policy is unworthy of any government calling itself "civilized."

Rather than piecemeal military responses to the sporadic symptoms, it would be far better to seek to cure the disease itself by removing the ultimate cause of the malady,

i.e., remove the presence of a foreign body, English influence, from Ireland. Such removal ought not be precipitous, but rather a responsible, orderly, phased withdrawal, coupled with a general amnesty for all political prisoners. The framework for this activity must be an English declaration of intent to be quit of Ireland by a specific date; only under this condition can we reasonably expect all Irish parties to negotiate for a new Ireland rather than seek to perpetuate the artificial differences which have divided a minority from the majority in the past.

Charging that American support of the "Provisional" IRA is responsible for the current conflict is nothing more than a vain search for a scapegoat (regarding the New York Times article alleging a U.S. Intelligence report claiming such major American arms and financial support for the IRA campaign, a recent letter from the U.S. Deputy Assistant Secretary of Defense (International Affairs) denies the existence "of any U.S. Military Intelligence Report on this subject.") You avoid coming to grips with the real cause of the conflict and you ignore the real reason for the success of the "Provos" of the IRA. The real cause is English mis-government in Ireland and the activity of a politically partisan British Army whose presence is so unnatural as to in itself cause continued conflict. The real reason for the success of the "Provisional" Irish Republican Army is not any amount of American or foreign support, but rather that they have the support of the minds and hearts of the local people in Ireland, particularly in that two-thirds of the Province of Ulster which still feels first-hand the weight of English rule. Until you admit these facts to yourself, you and Ireland will remain trapped in an ever deepening cycle of violence and retribution. You will be able to find no English solution to the Irish problem because England is the problem.

Recent pronouncements against American assistance for the suffering victims of the current troubles merely signals to us that Her Majesty's Government is gearing up for intensified conflict in Ireland and warns us that we must redouble our own efforts if we are to be able to give succor to the innocent victims of such an erroneous policy. Rest assured that Americans generally, and Irish America particularly, recognize that we are our brother's keepers. Our response to the World War II "Blitz" was "Bundles for Britain;" our response to the present suffering is through the Ancient Order of Hibernians' Prisoners' Dependents' Fund and other legitimate relief agencies.

We pray that you will reconsider your Irish policy lest future historians compare your government's handling of the Irish Question with the way Lord North's government handled the American Question for King George III two hundred years ago. It would be much better for all concerned if you were to take as a model the statesmanship of Charles DeGaulle, who both preserved the honor of France and the peace of the Mediterranean whilst disengaging from Algeria. We are enclosing an abstract of the peace plan proposed two years ago for your consideration.

Please believe that we are motivated by a genuine desire to see not only peace and freedom in Ireland, but also the reconciliation of our peoples, which events Partition and foreign occupation prevent.

With a sincere prayer for peace and justice, I am,

Very truly yours,

JOHN M. "JACK" KEANE,
National President.

HIGGINS APPOINTED NATIONAL CHAIRMAN

National President John Keane announces the appointment of Martin Higgins, Nassau County, N.Y., as National Chairman for the Freedom for All Ireland Committee.

Mr. Higgins will be succeeding Mr. Michael Delahunty, who resigned because of business and his newly elected position as Commissioner of Montclair, N.J.

THE SUDAN: A MODEL FOR PEACE AND DEVELOPMENT IN AFRICA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. BONKER. Mr. Speaker, our country has recently been honored with a private visit from President Gaafar Mohamed Nimeiri of the Democratic Republic of the Sudan, a man who has done much to reform his country and to lead it in actively undertaking the role of intermediating for peace within Africa and the Middle East. His visit has given many of us insight into his domestic achievements and his regional and international aspirations for peace and harmony. I believe we will do well to reflect on some of these, to see what meaning they hold for us in the United States, and to ponder over what we can do to assist this man and his nation achieve the human objectives they have set for themselves both in their own interest and in the interest of humanity at large.

President Nimeiri's visit was motivated by the desire to demonstrate good will to the Government and people of the United States, to exchange views on major regional and international issues, and to explore, broaden, and deepen the bases of cooperation, especially in development, for which he emphasizes the role of the private sector. To achieve this objective, President Nimeiri brought with him a rather large delegation compromising ministers from the fields of foreign affairs, finance and national economy, agriculture, education, industry, and transport and communications.

The style adopted by the President and his delegation was unconventional and judging from the reports, most effective. While giving Washington its due priority and emphasis; meeting with President Ford, the Senate Committee on Foreign Relations, the House Committee on International Relations, the Department of State, and a number of other Federal Government institutions, they visited eight States, meeting with State government officials and leaders of the private sector. Both in Washington and throughout the States, the visit is seen as a success not only because of its constructive results, but also because of the reported openness and sincerity with which President Nimeiri and his delegation approached our country and the enthusiastic reception they got everywhere they went. From what we have come to know about President Nimeiri and his country, this positive interaction is in large part due to the message the President brought to the United States about the developments inside his country and his views on various regional and international issues.

Before President Nimeiri took office in 1969, the country was viewed by many as a friend of the West, but domestically, there was a consistent contradiction of the meaning of Western democracy that it was supposedly being crippled. Family identity, tribal affiliation, religious conviction, and fanatic sectarianism determined one's position in the political hierarchy. The non-Arab South was politically economically, and socially subjugated to the Arab-North. The outcome was the southern violent opposition that triggered off a 17-year civil war which caused great social disruption with much damage to life and property and paralyzed economic development throughout the country. President Nimeiri did much to correct these inequities. He gave the rural populace a direct political voice and removed the religious and tribal middlemen who had abused the voice of the people they had purported to represent. The disparity of the southern situation ended with the highly acclaimed Addis Ababa agreement which gave the South regional autonomy within national unity. It is the first and only peaceful settlement of ethnic conflicts in a continent permeated by similar problems. This peace settlement which came after a long indecisive war is a model not only for Africa but indeed for the world.

Having successfully mobilized the rural population and satisfied the regional southern aspirations, the Government was assured of peace, unity, and stability and could then embark on the constructive task of accelerating economic and social development. The Sudan has always been known for its immense natural resources, especially pronounced in agriculture and livestock, but also extending widely into fishery, forestry, wild game, and minerals. The Government wisely decided to give priority to the development of agriculture and agri-industry where the potentials are greatest and the needs urgent in view of the impending world food crisis, and the particular demands of the Middle East. Conservative estimates quantify the amount of arable land in the Sudan at 200 million of which less than 10 percent is being actively utilized.

The country is determined to make a breakthrough in development and has enacted appropriate legislation to create a climate conducive to private investment, both domestic and foreign. The Development and Promotion of Agricultural Investment Act stipulates a number of guarantees, concessions and exemptions for investors in the field of agriculture. Exemption of custom duty is granted for the import of necessary machinery and equipment. Concessions are granted in the form of unrestricted transfer of capital and profits. Business profit tax is exempted for periods varying from 5 years upwards. The Development and Encouragement of Industrial Investment Act provides for tax holidays, protection of sales, and a number of other inducements. It also provides for tax exemption and for the free transfer of capital and profit.

Perhaps the most striking feature of the development capability of the Sudan is that the country has emerged as a model for tripartite cooperation with the the Middle Eastern capital and agri-

industrial technology. Oil-rich Middle Eastern countries are contributing generously to the agricultural development of the Sudan and the newly formed Arab Authority for Agricultural Investment and Development has chosen the country as it first model for development cooperation.

An important feature of the development effort in the Sudan is that it aims at adjusting the imbalances existing between the urban centers and the rural areas and between the various regions of the country. Nearly every area and village in the country is reported to be witnessing the profits of development and the process continues to permeate the grass roots.

President Nimeiri's domestic achievements are matched by his moderate and constructive regional and international role. His foreign policy aims at maintaining friendly relations with all nations. He is particularly intent on good relations with his neighbors. Wherever there is conflict, he has first looked to peaceful negotiation. He was the first and has remained the only Arab leader to publicly support the Second Sinai Agreement. Earlier he had invited all Sudanese Jewish citizens who had left in reaction to the Middle East conflict to return with the guarantee of full rights of citizenship. Under his leadership the Sudan has become a country of nondiscrimination on any grounds including race or religion. Sudan was the first Arab country to restore diplomatic relations with the United States after they had been broken, following the 1967 war in the Middle East. His efforts to mediate over the Eritrean conflict in Ethiopia continue. He has many times used his good offices to secure the release of Americans, Canadians and Europeans, detained by the Eritreans.

Despite his achievements at home and efforts on the international level, President Nimeiri has been a target for the forces of extremism, both left and right. In 1971, the Communists, who had infiltrated his system, tried to overthrow the Government of the Sudan. After 3 days of uncertainty, he emerged in control and even more popular with the Sudanese people, whom I understand are by disposition anti-Communist government. The President was subjected to severe attack from the Communist bloc. While relations have significantly improved, they have remained rather reserved and cautious. President Nimeiri has survived at least three major coup attempts which have been engineered singly or jointly by the Communists and/or the fanastic Muslim rightists.

As the recent events in which foreign elements attempted to overthrow the regime have shown, it is no longer easy to topple the system. The defeat of this latest coup attempt should be interpreted by us as a clear indication of the strength of the President's leadership and the country's mature purpose to proceed with its enormous development opportunities that the Sudan has.

The Sudan has joined with Saudi Arabia and Egypt in cooperation not only against the destructive forces in the area but also in united efforts for economic and social development. Prior to his visit to the United States, President Nimeiri met with King Khalid and President Sadat to consolidate this strategic cooperation. This is a constructive alliance to promote the principles which we in the United States share with these three countries.

I believe that many factors continue to make the Sudan a country we ought to look at with favor as our friend. It is the largest country in Africa, an Afro-Arab microcosm of the continent, centrally placed at the borders of eight countries, pursuing a domestic policy of social justice that has brought harmony to many diverse elements in the country, and determined to play a constructive role in promoting peace and understanding in the region and in the world. It has now been over a year since our colleague, Senator PERCY, entered in the CONGRESSIONAL RECORD a positive statement on the opportunities available in the Sudan for international cooperation in development. President Nimeiri's visit should give us renewed incentive. For this fast achieving nation, time is of the essence and I believe it is time to act.

TEN GOVERNORS ASK FOR VETO OVERRIDE ON S. 391—COAL LEASING BILL

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. RONCALIO. Mr. Speaker, it is vitally important, not only for the Rocky Mountain States, but for all the Nation, that the Congress override the President's veto of S. 391, the Federal Coal Leasing Amendments Act of 1975.

I would like to share with my colleagues a letter sent to the President by Montana Gov. Thomas L. Judge, acting in his position as chairman of the Western Governors' Regional Energy Policy Office—WGREPO.

Writing for himself and also on behalf of the Governors of Arizona, Colorado, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming, Governor Judge expresses "extreme concern and dissatisfaction" with the President's veto.

Governor Judge's letter clearly and accurately makes the case for S. 391 and its importance for the entire United States. And he points out that the 10 Governor members of WGREPO unanimously "endorse and fully support affirmative overriding action by Congress."

I also include a letter from New Mexico Gov. Jerry Apodaca expressing his strong support for the overriding of this veto.

The letters follow:

STATE OF MONTANA,
Helena, July 23, 1976.

Hon. GERALD R. FORD,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your veto of S. 391, the Federal Coal Leasing Amendments Act of 1975, is most disappointing.

The increase in the state share of revenues generated by the leasing and extraction of Federal minerals and the modernization of the Federal coal leasing procedures provided in this legislation would have accomplished two objectives.

First, state and local governments would have received financial assistance to initiate advance planning, the construction and maintenance of public facilities, and the provision of services needed by the influx of people expected to accompany increased Federal coal development. As Senator Lee Metcalf so accurately and eloquently has said (CONGRESSIONAL RECORD, June 21, 1976):

"No other substantial Federal assistance is available to the coal-producing states to deal with predicted population increases triggered by Federal coal development. The new financial resources provided in S. 391 could spell the difference between, on one hand, the chaotic disintegration of a stable life-style dominated by agriculture, together with all the social ills, and on the other hand, an orderly transition to an urban or semi-urban lifestyle.

Your agreement that the Federal government should provide assistance to the states by increasing our share of Federal leasing revenues from 37½ per cent to 50 per cent, as stated in your veto message to Congress, is appreciated.

Second, the Federal Coal Leasing Amendments Act of 1975 has been designed to eliminate the speculative holding of Federal coal leases, assuring development of Federal coal on a timely basis and in a manner beneficial to the public. Nearly sixteen billion tons of federal coal have already been leased in the western states, but only 242 million tons have been developed.

Conservative estimates indicate that the tonnage available under existing leases could support over fifty 2,000 megawatt power generating stations for forty years. Nonetheless, the Department of Interior has renewed coal leasing without establishing the need to do so and without conducting environmental studies to determine which coal reserves already leased are acceptable for mining. By requiring that federal coal leased by the Department of Interior be produced within ten years and the holders of non-produtive leases be ineligible to receive additional leases, S. 391 assures the production of coal to achieve national energy independence.

With all due respect, Mr. President, I submit that the objections in your veto message of S. 391 are unfounded.

In your July 3d statement, you said that S. 391 "would insert so many rigidities, complications, and burdensome regulations into the Federal coal leasing procedures that it would inhibit coal production of Federal lands, probably raise prices for consumers and ultimately delay our achievement of energy independence."

Unnecessary and duplicative regulations at all levels of government clearly should be eliminated. But regulations designed to serve efficiently actual public needs must continue to be established and employed.

You state that a minimum royalty of 12½ per cent based on the value of the coal is more than is necessary in all cases. This rate, however, would eliminate inequities noted by the General Accounting Office in its study of royalties. Increasing the minimum royalty with a concurrent increase in the state share would have more evenly distributed the costs of coal development. The Secretary of Interior would still retain discretionary authority to reduce this royalty to encourage underground mining and the conservation of coal.

Legislation enacted by the State of Montana last year increased severence taxes on coal from 10 to 30 per cent, with production continuing to expand. Outer Continental Shelf oil and gas royalties of 16½ per cent have been established with no indication that

leasing and production have been discouraged. A minimum royalty as set forth in S. 391 will not render Federal coal uneconomical to mine, provided that the national need truly exists.

The undisputed environmental value of the western states, recognized by numerous presidents and the Congress for many years, more than justifies the requirement of S. 391 for reclamation planning.

Specific provisions, requiring lease termination when production is not attained within ten years and the submittal of a mining and reclamation plan within three years from issuance of a lease, would not frustrate accelerated Federal coal development. On the contrary, these provisions would insure it. Production requirements in S. 391 are less stringent than Interior's new regulations, but admittedly do not contain language which allows an extension to meet specified production levels. These statutory provisions discourage speculative holding of Federal mineral leases. With the mining industry presently stating that at least four to six years lead time is necessary for the purchase of required equipment associated with site-specific mining plans, the above time sequence does not appear restrictive.

Contrary to another of your objections, the antitrust review requirement and the deferred bonus payment on one-half of the leased acreage would strengthen competitive aspects of the coal industry and hold down consumer prices. Delays caused by the Attorney General's review of proposed lease sales would be minor compared with those caused by lengthy litigation. Smaller companies would be encouraged to participate in the competitive bidding process, knowing that the deferred bonus payment system requires less front-end capital so easily available to the larger coal and muti-national oil companies.

I view the provisions of this legislation allowing the states' review and comment on proposed lease sales within National Forests as essential. The maximum eight month delay resulting from this prerogative is negligible when compared to the potential long range effects on our states' mining of federal minerals in National Forests.

You contend, Mr. President, that the requirement of public hearings is excessive, yet leasing regulations issued in May, 1976, by Interior Secretary Kleppe require the opportunity for the same number.

Comprehensive Federal exploration of Federal coal reserves is necessary to determine the actual value of tracts proposed for lease sale, to estimate the reserves for establishing logical mining units and specifying advanced royalties. It seems logical that the Federal Government should not depend on industry to furnish this data. The U.S. Geological Survey has recognized the need for this program in projecting a three-fold expansion by 1979 of its coal reserve base investigations.

In short, I view S. 391 as constructive, progressive, and fair legislation for the purpose of correcting mismanagement of the coal resources owned by the people of this nation. Recent comments by Secretary Kleppe before the American Coal Association noted, in a manner contradictory to his testimony before Congress and your subsequent veto action, that the Federal Coal Leasing Amendments Act of 1975 would "... not seriously hamper the administration's schedule for coal development.". Denial of desperately needed financial assistance to mitigate the impacts of Federal actions because of an inexplicable administration reversal of this view is a tremendously painful price to ask of the western states and the areas of natural splendor entrusted to our care.

In conclusion, Governors Castro of Arizona, Lamm of Colorado, Exon of Nebraska, O'Callaghan of Nevada, Apodaca of New Mexico, Link of North Dakota, Kneip of South Dakota, Rampton of Utah, and Herschler of Wyoming join me in expressing our extreme concern and dissatisfaction with your veto of S. 391. We endorse and fully support affirmative overriding action by Congress.

Sincerely,

THOMAS L. JUDGE,
Chairman, Western Governors' Regional Energy Policy Office.

STATE OF NEW MEXICO,
Santa Fe, July 20, 1976.

Hon. TENO RONCALIO,
U.S. Representative, State of Wyoming, Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE RONCALIO: As Governor of one of the nation's largest energy producing states, I was greatly distressed to learn of President Ford's recent veto of S. 391, the Amendments to the Mineral Leasing Act.

New Mexico strongly supported the passage of this bill. We particularly favored those provisions which would give increased mineral royalty return to the states, and would allow those revenues to be expended in meeting the energy impact needs of those states.

As you may know, the northwest corner of our state is already experiencing severe impacts from rapid energy developments. The funds, that would be made available through implementation of S. 391, could help finance the planning and construction of public facilities and services that are urgently needed to prevent boom town situations from occurring.

New Mexico is committed to helping the nation meet its energy needs. However, we feel there should be a parallel commitment at the federal level to ensure, that as our mineral development proceeds, we are given adequate financial assistance to deal with the affects of this development. Enactment of S. 391 would be a responsible way of achieving this goal.

I strongly urge you and your colleagues to override the Presidential veto of S. 391 when the issue is brought back before the Congress.

Sincerely,

JERRY APODACA,
Governor.

FINANCIAL DISCLOSURE STATEMENT

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. COHEN. Mr. Speaker, this year, as I have in the past, I am making public a summary of my net worth.

While the figures listed below do not necessarily testify to my financial acumen, they do reflect my belief that the public is entitled to know the financial holdings of those individuals in whom it has invested its trust. This knowledge can help the public determine if that trust has been violated by the voting behavior of the officeholder. In my view, one of the most effective ways to protect the public interest is to make public one's private interests. With that thought in mind, I am inserting in the RECORD the following list of my assets and liabilities:

WILLIAM S. COHEN—JULY 29, 1976

Assets:	
Real estate—Equity	$34,681
Personal Savings	4,900
Cash value on life insurance	1,880
Stocks	none
Bonds	none
Household furnishings	3,000
Automobiles (2)	6,500
Total	50,961
Liabilities:	
Loans outstanding	2,000
Net worth	48,961

CONGRESS LOSES A HEALER, FRIEND, AND COUNSELOR

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. KARTH. Mr. Speaker, Congressmen come and go, but Capitol Hill medical men endure.

In fact, I suspect that the Members of Congress who outlast our medical experts do so only as the result of the ministrations, bonesettings, pills, diets, organ transplants, exercise regimens—particularly golf—rejuvenation formulas, psychoanalysis, legislative counsel, and lovelorn advice that we obtain from our naval doctors and medical men assigned to the Capitol.

A man who combined all the aptitudes cited above and many more, one of the most durable and valuable followers of Aesculapius under the Capitol dome, will—we regret to learn—retire from the Office of the Attending Physician at the end of July.

John McGuiness, after 22 years of treating our scrapes and bruises, our fractures of bones and egos, blood and constituent pressures, has decided to seek a less hectic life.

Mr. McGuiness will be deeply missed by the Members of this House; he was virtually an institution when I and other Members made our first tentative entrance on the congressional scene 18 years ago. We are indebted to him in many ways: for his professional skills from which so many of us have benefited, his friendliness, courtesy, patience and interest in the problems we have had; and his medical efficiency in helping to get us back on the floor of Congress in order to discuss the AMA and a national health insurance program.

John McGuiness has served us well, but I also want to note that he has also served with distinction in the U.S. Navy both in wartime and peacetime.

Following his Navy enlistment in August 1942, McGuiness moved upward in rank, achievement and prestige through the hospital corps and became a chief hospital corpsman in December 1952.

McGuiness came to know well my old friends, the rough-and-tough miracle-workers of the Naval Construction Battalion, the famed Sea Bees, having served with them in the North Atlantic. His service has also included tenures at the New London, Conn., Naval Base, the Re-

serve Fleet, at Charleston; and assignments aboard the U.S.S. *Yellowstone* and at the Naval Research Institute, as well as at posts in Naples, Italy, and Washington, D.C.

Members of Congress who have spent enforced periods, as I did not long ago, at the Bethesda Naval Medical Center have nothing but the highest admiration and esteem for the knowledge, skills and efficiency of naval medicine. Mr. McGuiness, in my opinion, reflects all that is most professional and farsighted in that service's research and practice.

A great many of us who are presently in Congress and a great many who are no longer here share this expression of appreciation and gratitude to John McGuiness and wish him the happiest and most fruitful retirement.

A SIGNIFICANT CHANGE IN POSTAL REGULATIONS GOVERNING BUSINESS REPLY MAIL

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. FREY. Mr. Speaker, business concerns in our districts received a letter in June of this year notifying them of a "significant change" in postal regulations which govern the use of business reply mail.

The Postal Service, for once, was correct. Their sweeping revision of the business reply mail rate schedule is indeed "significant"—especially for the small to medium size business.

The following chart emphasizes the differences between what the Postal Service used to charge for business reply mail and what they will charge when the regulations go into effect September 12. Two examples draw the contrast: a large multi-distribution operation and one of my constituents who brought this ridiculous matter to my attention:

CHART SHOWING NEW BUSINESS REPLY MAIL COSTS

EXAMPLE A: A NATIONWIDE MULTIDISTRIBUTION OPERATION WITH A MONTHLY MAIL OUT OF 200,000 PIECES WITH A 10,000 RETURN (5 PERCENT)

	August	September	October	January
Fee	None	$30	None	$30.
Initial postage	$26,000	$26,000	$26,000	$26,000.
Reply pickup:				
System I	500			
System II or III		$25 deposit, $350 or $1,200.	No deposit, $350 or $1,200.	$75 deposit, $350 or $1,200.
Total	26,500	$26,405 or $27,230.	$26,350 or $27,200.	$26,455 or $27,230.

EXAMPLE B: ONE OF MY CONSTITUENT'S WHO MAILS OUT 100 PIECES A MONTH AND HAS A 10 PERCENT RATE OF RETURN (10 PIECES)

	August	September	October	January
Fee	None	$30	None	$30.
Initial postage	$13.00	$13	$13	$13.
Reply pickup:				
System I	0.50			
System II or III		$25 deposit plus $0.35 or $1.20.	No deposit plus $0.35 or $1.20.	$75 deposit plus $0.35 or $1.20.
Total	13.50	$68.35 or $44.20.	$13.35 or $14.20.	$118.35 or $44.20.

NOTES

System I: former schedule which charged $0.05 per returned article.
System II: Sept. 12 regulation permit the user to leave a $75 advance deposit and pay $0.035 per returned article or System III: the user may pay $0.12 per returned article and forgo the deposit.

Let me try to explain the rate changes to you. The Postal Service informs me that the Postal Rate Commission spent 3 years on these regulations and believe me, they look it.

Essentially, the old system required a 13-cent stamp on the initial letter and a nickle to get the reply out of hock. You can see that the old system then cost the large operator $26,500 and our small operator $13.50.

Enter the new regulation: a $30 permit fee for all users big and small and a choice of reply pickup payment systems. The choice breaks down to a $75 "advance deposit" fee and a separate charge of 3.5 cents per letter returned or a straight 12-cent charge per letter returned.

What is interesting is that at first the Postal Service wanted the $30 in September and again in January since it was for a year. And, they wanted the same double payment with the $75 advance deposit—if the user went that route. Recognizing the unfairness of that idea, the Postal Service backed down and revised their decision so that the $75 is still due in January but only $25 is due in September. The $30 double payment stands.

The question in my mind is how they arrived at the magical $75 figure for and then decided to apply it to all users equally. My constituent will take 250 months to use up the deposit at 3.5 cents per letter—yet it is due once a year. The large operation will use the $75 deposit account four times in 1 month—and they pay by the year also.

Also note that the costs to the big operator hover around $26,500 before, after, and during the implementation of the new regulations. The small competitor will jump from a mere $13.50 to a choice of $68.35 or $44.20 to a choice of $13.35 or $14.20 and then back up to a choice of $118.35 or $44.20. That is an even break? That is discriminatory!

To put it another way, it cost the big company $318,000 from September 1975 until August 1976 to mail out their 200,000 pieces of mail per month and get back 10,000 pieces of mail. Keeping the initial letter/reply figures, it will cost them either $316,015 or $326,550 between September 1977 and August 1977.

It cost my constituent $162 from September 1975 through August 1976 to mail out his 100 pieces of mail per month and get back 10 pieces of mail. Assuming his business does not grow, it will cost him either $320.20 or $230.40 between September 1976 and August 1977.

It is uncomprehensible to me that the Postal Service did not, during their 3 years of study, examine the impact of these rate schedules on different kinds and sizes of businesses.

But then again, maybe they did. As my constituent said in his letter to me, "A pro-rating of these newly imposed charges for the period of September 12, through December 31, would certainly be a tremendous help to many of us, I am certain, and a narrowing of the charges for service between those who do not use a $75 deposit in 3 years and those who may run that much a month would be appreciated.

I am sure that the Postal Service will go bankrupt no sooner, with this consideration.

THE SIGNIFICANCE OF THE DIVESTITURE ISSUE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. ARCHER. Mr. Speaker, the columnist Patrick Buchanan in the Chicago Tribune of June 22, 1976, wrote a perceptive column on the divestiture movement and the long-range significance of this movement. Mr. Buchanan probes into the economic motivations of some of the proponents of divestiture and relates them to the Sun Belt prosperity.

I wish to commend the article to the attention of my colleagues:

[From the Chicago Trubune, June 22, 1976]

BIG OIL A BURNING ISSUE IN U.S. SUN BELT

(By Patrick Buchanan)

WASHINGTON.—Voting 8–7, the Senate Judiciary Committee has approved legislation dismantling America's 18 largest oil companies. Republican minority leader Hugh Scott of Pennsylvania cast the decisive vote to give the measure a floor hearing.

The obvious question is why. Why chop up the United States companies when the nation is more dependent than ever on foreign oil? Why weaken the capacity of the American firms to negotiate with the oil ministers of the Persian Gulf?

Breaking up the companies would mean duplication of existing management structures. Tens of millions of dollars and years of time would be wasted in lawsuits in federal court. The smaller companies that resulted would never be able to amass the profits or accumulate the investment capital needed to bring the U.S. back toward energy independence.

Again, why? The oil industry is less concentrated, more open, than steel, aluminum, or copper. In autos, the Big Three—GM, Chrysler and Ford—are far more dominant in their market than Exxon, Mobil and Texaco. Not a shred of evidence has been produced to prove that dismantling the oil companies would mean lower fuel costs or reduced prices at the pump. Why, then, single out Big Oil for political assault?

Because, crows Sen. Birch Bayh [D., Id.], "If there's one symbol of the Establishment ripping off the people, it's the oil industry." Smashing the oil companies, then, while it makes no economic sense, does have political appeal. Especially for the national Democrats, who, like their cousins in the British Labor Party, are long on ideology and short on economic literacy.

But within the bosom of Northern liberals, there is another motive for this attack upon Big Oil. This legislation is the first-strike weapon against the heartland of Sun Belt prosperity.

In the mid-May issue of Business Week, there was an insightful piece titled "The Second War Between the States." Details within were statistics of how the nation's lead in population, income, and manufacturing growth has passed, dramatically, out of the North and Northeast into the South and Southwest. Businessmen from the Northern states, fed up with environmental harassment, antibusiness rhetoric, political attacks, regulatory interference and exorbitant taxes, are pulling up stakes and fleeing into the Sun Belt where they are welcomed with brass bands.

Older Americans are picking up their Social Security checks and pensions earned in business and government up North and spending those checks and their retirement years in the warm and air-conditioned communities from south Florida to southern California. Military spending and the federal payroll go disproportionately to the states below the Mason-Dixon line. America's investment capital is following the same trail. The North is now running an annual balance-of-payments deficit with the rest of America.

And while the northern cities decline and decay, oil is the major industry leading the Sun Belt into the new prosperity. Ergo, the attacks, the liberal determination to break up the oil companies.

Nevertheless, this punitive legislation, tinged with malice and envy, singling out one industry, is certain to divide the country and invite retaliation. Texas, Louisiana, and California congressmen, witnessing this Northern assault upon the industry on which their prosperity hangs, are unlikely to view with enthusiasm extension of federal bailout guarantees to the city fathers of New York.

If this legislation is passed by Congress and survives a presidential veto, it would surely be marked as the Battle of Bull Run in an economic War Between the States, a war in which all Americans would suffer.

CARTER WOOS THE ECONOMIC ELITE WHICH HE CRITICIZES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. DERWINSKI. Mr. Speaker, as speculation increases as to what, if anything, Jimmy Carter stands for, the press is methodically attempting to determine the candidate's views on a host of subjects. One such effort by Frank Starr, columnist for the Chicago Tribune and former Tribune bureau chief in Moscow, was included in the July 28 Tribune and dealt with the recent visit by Mr. Carter to a New York City business group:

CARTER WOOS THE ECONOMIC ELITE WHICH HE CRITICIZES

(By Frank Starr)

WASHINGTON.—It seemed a bit strange to those of us who had spent months hearing Jimmy Carter rail against the "economic elite who never stood in line looking for a job."

Here he was, the fellow who had said only a week earlier that "too often, unholy, self-perpetuating alliances have been formed between money and politics," now standing before 50 select business leaders in New York's posh 21 club saying, "I want to be a friend of business."

Now the distinctions are getting finer and more carefully drawn.

The same Jimmy Carter who had been criticizing the export of American jobs abroad was saying, "I would not do anything to subvert or minimize foreign investment. . . . I am basically committed to . . . international trade."

Of course, those two sentiments may not be mutually exclusive. But their mutual accommodation needs clarifying. He conceded to the business men that overseas job losses might be a problem, but added: "In my own mind it might be a tossup; we probably benefit as much as we are damaged." To blue-collar voters it's no tossup, and he never told them it was.

To the business leaders he vowed [or seemed to vow] to help overcome the nasty image problem dogging multinationals and big oil. "This will be an important responsibility of mine, and I won't let you down," he promised.

Certainly some of the business community were pleased by what they heard. Carter's disinclination to abolish the foreign tax credit was reassuring; his doubt about the deferral of taxes on foreign profits pending their repatriation was not especially upsetting.

But there remain plenty of business people who consider Carter a liberal on economic issues, and perhaps with justification. While that generalization may not be enough to sour them, some of the specifics might.

One proposal that would cause a good bit of satisfaction among these international traders calls for having one of their own near the President's ear. And a good case for it can be made.

The idea is for an adviser, a man of stature and experience, on the White House staff to study and shape international trade policy and to bridge the gap between the secretary of state and the secretary of the treasury—both of whom may claim international trade because neither has clear responsibility for it.

The idea is not new. Chicagoan Peter G. Peterson once did the job effectively in the Nixon White House until the palace guard found him too effective. So, with a crack about being unable to click his heels, he went to Lehman Brothers, the New York investment bankers, to make money instead.

But like other positions of authority, this one is only what its holders make of it. Peterson was succeeded by Peter Flanigan, who eventually vanished; the job, chairman of the Council of International Economic Policy, is now vacant and overseen by Presidential adviser William Seidman.

There is currently no one who could have interceded, for example, in the recent dispute between Treasury Secretary William Simon and Secretary of State Henry Kissinger over Kissinger's now-dead proposal for a resources bank to aid Third World countries.

Carter pledges a strong commitment of compassion and realism in sensitive relations with the Third World. He has also pledged a smaller and less powerful White House staff, as well as a better-employed cabinet—a promise Peterson, ironically, said he listened to "with great interest."

At 21 Carter did a lot to assuage business fears, and choosing one of those leaders for that job would do a lot more. Then he can go back again and soothe the labor folks he scared.

OTTINGER AUTHORED AND CO-SPONSORED LEGISLATION PASSED BY THE HOUSE DURING THE 94TH CONGRESS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. OTTINGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following list of legislation authored and cosponsored by me which has passed the House during the 94th Congress:

OTTINGER AUTHORED AND COSPONSORED LEGISLATION PASSED BY THE HOUSE OF REPRESENTATIVES, 94TH CONGRESS

H.R. 28. Surface Mining Control and Reclamation Act (strip mining). Similar H.R. 25 passed House March 18, 1975. Vetoed, May 20, 1975. Sustained.

H.R. 47. Youth Camp Safety Act. Similar H.R. 46 passed House April 17, 1975.

H.R. 1768. Suspend oil tariff declared by President. Identical H.R. 1767 passed House February 5, 1975. Vetoed March 4, 1975.

H.R. 2056 (H.R. 9838). Extend U.S. jurisdiction over certain ocean areas and fish (200 Mile Limit Bill). Expanded version H.R. 200, Marine Fisheries Conservation Act, passed House October 9, 1975. Became law April 13, 1976. P.L. 94–265.

H.R. 2067. Tax credits for installation of solar heating and cooling equipment or insulation. Similar provisions included in H.R. 6860, Energy Conservation and Conversion Act, which passed House June 19, 1975.

H.R. 2570. Funds for research into Tay-Sachs Disease. Included in H.R. 7988, Heart, Lung and Blood Research, Research Training, and Genetic Diseases Amendments, which passed House October 20, 1975. Became law, April 22, 1976. P.L. 94–278.

H.R. 2577. Reject proposed cuts in Food Stamp Program. Indentical H.R. 1589 passed House February 4, 1975. Became law without President's approval, February 20, 1975. P.L. 94–4.

H.R. 3344. Extend the Voting Rights Act. Provisions included in a larger version of the bill, H.R. 6219, passed House June 4, 1975. Became law August 6, 1975. P.L. 94–73.

H.R. 3353. Encourage the payment of interest on government deposits in banks. Similar H.R. 3035 passed House December 15, 1975.

H.R. 3873. Repeal those provisions of law requiring community participation in the national flood insurance program as a prerequisite for approval of financial assistance in a flood hazard area. Similar provision applicable to houses existing prior to January 1, 1976, included in S. 3295 which passed House May 26, 1976.

H.R. 3875. Energy Conservation Act of 1975.

Provision similar to section on fuel economy standards for new autos included in H.R. 7014, Energy Conservation and Oil Policy Act of 1975 which passed House September 23, 1975. Became law December 22, 1975. P.L. 94–163.

H.R. 3935. Reform of the Hatch Act. Expanded version, H.R. 8617, Federal Employees Political Activities Act, passed House October 21, 1975. Vetoed April 12, 1976. Sustained.

H.R. 4035. Provide for Congressional review of Presidential decisions removing oil price controls. Passed House June 5, 1975. Vetoed July 21, 1975.

H.R. 4102. Additional Appropriations for school lunch and child nutrition program. Similar provisions included in H.R. 4222, School Lunch and Child Nutrition Act Amendments, which passed House April 28, 1975 and became law over President's veto on October 7, 1975. P.L. 94–105.

H.R. 4680. Require reports to Congress prior to issuance of a license for export of certain arms, ammunition and implements of war. Included in H.R. 13680, International Security Assistance and Arms Export Control Act which passed House June 2, 1976. Became law June 30, 1976. P.L. 94–329.

H.R. 4888. Small Business Administration assistance to small businesses injured due to disruptions in utility service. Passed House June 17, 1975.

H.R. 4955. Prohibit production and procurement of binary chemical warfare systems. Amendment to H.R. 5210, Military Construction Authorization, effectively precluding new production and procurement, passed House July 28, 1975. Became law, October 7, 1975. P.L. 94–107.

H.R. 4996. Authorize medical care to certain veterans of armed forces allied to the U.S. in World War I or World War II. Similar H.R. 71 passed House July 21, 1975.

H.R. 5199. Repeal of Fair Trade Legislation. Similar H.R. 6971 passed House July 21, 1975. Became law December 12, 1975. P.L. 94–145.

H.R. 5234. Criteria for assisting post-secondary education programs. Portions included in H.R. 12851, Higher Education Amendments of 1976, which passed House May 12, 1976.

H.R. 5443. Establish American Folklife Center. Similar H.R. 6673 passed House September 8, 1975. Became law January 2, 1976. P.L. 94–201.

H.R. 5719. Expand family planning service. Included in S. 66, Nurse Training Act, which passed House June 5, 1975. Became law over President's veto on July 29, 1975. P.L. 94–63.

H.R. 6012. Recycling of old oil. Tax provisions of bill included in H.R. 6860, Energy Conservation and Conversion Act of 1975, which passed House June 19, 1975.

H.R. 6113. Increase authorization for Section 8 home subsidy program. Similar provision included in S. 3295, Housing Amendments of 1976, which passed House May 26, 1976.

H.R. 6246. Restrict use of franking privilege by former Members of Congress. Identical H.R. 4865 passed House October 6, 1976. Became law December 23, 1975. P.L. 94–177.

H.R. 6248 (H.R. 7616). Equal treatment of craft and industrial employees. Similar H.R. 5900 passed House July 25, 1975. Vetoed January 2, 1976.

H.R. 6632. Require increased Congressional oversight of foreign military sales and provide for a procedure for Congressional disapproval of such sales. Similar provision included in S. 2662, International Security Assistance and Arms Export Control Act which passed House March 3, 1976. Vetoed May 7, 1976.

H.R. 6833. Impose a moratorium on the repayment of certain Small Business Administration loans by firms that face insolvency. Similar provision included in H.R. 13567, Small Business Act and Small Business Investment Act Amendments, which passed House June 7, 1976.

H.R. 7066 (H.R. 8846). Railroad Right of Way Improvement Act. Similar provision included in H.R. 8672, Emergency Rail Transportation Improvement and Employment Act, which passed House October 23, 1975.

H.R. 7428. Extend investment tax credit to include solar energy equipment and permit alternative rapid amortization of solar equipment. Included in H.R. 6860, Energy Conservation and Conversion Act, which passed House June 19, 1975.

H.R. 7448 (H.R. 7936). Countercyclical assistance for state and local governments. Similar provisions included in H.R. 5247, Local Public Works Capital Development and Investment Act, which passed House May 20, 1975. Vetoed February 13, 1976; and S. 3201, Public Works Employment Act, which passed House May 13, 1976. Vetoed July 6, 1976.

H.R. 7605. Abolish the Federal Metal and Non-Metallic Mine Safety Board of Review. Incuded in H.R. 8773, Interior Appropriation, which passed House July 23, 1975. Became law December 23, 1975. P.L. 94–165.

H.R. 8197. U.S. participation in African Development Fund. Similar provision included in H.R. 9721, Inter-American Developmment Bank Act, which passed House December 9, 1975.

H.R. 8428. Health Maintenance Organization Amendments. Similar H.R. 9019 passed House November 7, 1975.

H.R. 8674 (H.R. 6154). Metric Conversion Act. Passed House September 5, 1975. Became law on December 23, 1975. P.L. 94–168.

H.R. 8779. Assure humane treatment of animals. Similar H.R. 5808 (S. 1941), Animal Welfare Improvement Act, passed House February 9, 1976. Became law April 22, 1976. P.L. 94–279.

H.R. 880. Electric Vehicle Research, Development and Demonstration Act of 1976. Passed House September 5, 1975. Includes 2 provision added in Committee by Ottinger that would insure the participation of small business in the demontration program and would expand the scope of the bill to include not only electric vehicles, but hybrid propulsion systems (e.g. the Sterling engine as well.

H.R. 9013. Permit appointment of women to Coast Guard Academy. Similar H.R. 10192 passed House May 18, 1976.

H.R. 9056. Create a program in Small Business Administration for financing pollution control equipment fo rsmall businesse. Incuded in S. 2498, Small Business Act and Small Business Investment Act Amendments, which passed Houe December 17, 1975. Became law June 4, 1976. P.L. 94–305.

H.R. 9280. Elimination of means tests for provision of services to low-income individuals aged 60 or over; limitation of frequency of recertifications of eligibility of such services. Similar provision included in H.R. 12455, Social Security Act Amendments, which passed House March 16, 1976.

H.R. 9608. Provide constitution for the Virgin Islands. Identical H.R. 9460 passed House October 6, 1975.

H.R. 9909. Construction Industry Collective Bargaining Act. Identical H.R. 9500 passed House October 7, 1975.

H.R. 10230. National Science and Technology Policy and Organization Act. Passed House November 6, 1975. Became law May 11, 1976. P.L. 94–282.

H.R. 10614. Extend D.C. Medical and Dental Manpower Act. Similar H.R. 12132 passed House April 12, 1976. Became law June 4, 1976. P.L. 94–308.

H.R. 10633. Make homebuilders eligible for Small Business Administration assistance. Included in H.R. 13567, Small Business Act and Small Business Investment Act Amendments, which passed House June 7, 1976.

H.R. 10900. Establish Tinicum National Environmental Center. Similar H.R. 5682 passed House May 18, 1976.

H.R. 11456. Expand Indiana Dune National Lakeshore. Identical H.R. 11455 passed House February 17, 1976.

R.R. 11065. Suspend duty on mattress blanks of rubber latex. Passed House May 17, 1976. (Ottinger authored.)

H.R. 12065. Prohibit deprivation of employment because of refusal to make political contribution. Identical H.R. 11722 passed House April 5, 1976.

H.R. 12333. Establish Commission on Security and cooperation in Europe to monitor Helsinki Agreement Similar S. 2679 passed House May 17, 1976. Became law June 3, 1976. P.L. 94–304.

H.R. 12453. NASA Authorization. Passed House March 22, 1976. Became law June 4, 1976. P.L. 94–307.

H.R. 12567. Authorization of Appropriations for Federal Fire Prevention and Control Act. Passed House March 24, 1976. Vetoed July 7, 1976.

H.R. 12704.—Authorize Appropriations for environmental research, development and demonstration. Passed House May 4, 1976.

H.R. 12978.—Increase authorization for long term direct loans for elderly and handicapped housing. Included in S. 3295, Housing Amendments of 1976, which passed House May 26, 1976.

H.R. 13123.—Authorize a local public works capital development and investment program. Identical H.R. 12972 (S. 3201) passed House May 13, 1976. Vetoed July 6, 1976.

H.R. 13449.—Authorization for Federal Energy Administration. Expanded version H.R. 12169 passed House June 1, 1976.

H.R. 13655 (H.R. 6159).—Automotive Transport Research and Development Act (research program for advanced automotive propulsion systems) passed House June 3 1976.

H.R. 13668.—Amend authority of Small Business Administration Administrator to provide disaster loans. Included in H.R. 13567, Small Business Act and Small Business Investment Act Amendments, which passed House June 7, 1976. (Ottinger authored)

H.R. 13669.—Increase maximum Small Business Administration loan from $350,000 to $500,000. Partially included in S. 2498, Small Business Act and Small Business Investment Act Amendments, which passed House December 17, 1975. Became law June 4, 1976. P.L. 94–305. (Ottinger authored)

H. Res. 357.—Select Committee on Missing in Action. Identical H. Res. 335 passed House September 11, 1975. (Ottinger appointed member of committee)

H. Res. 605.—Disapprove the President's proposal to remove oil price controls. Passed House July 22, 1975.

H. Res. 641.—Disapprove the President's proposal to remove oil price controls. Passed House July 30, 1975.

H. Res. 1168.—Express support for Solidarity Sunday. Passed House April 30, 1976.

H. Res. 1239. Sense of House in support of moratorium on closing of small post offices. Identical H. Res. 1216 passed House June 22, 1976.

H.J. Res. 406. Presenting a statue of Abraham Lincoln to Israel. Passed House December 17, 1975. Became law February 4, 1976. P.L. 94–208. (Ottinger authored).

H.J. Res. 585. St. Elizabeth Seton Day. Identical S.J. Res. 125 passed House September 9, 1975. Became law September 11, 1975. P.L. 94–95.

H. Con. Res. 126 Place a bust of Martin Luther King, Jr. in the Capitol. Similar H. Con. Res. 96 passed House January 20, 1976.

H. Con. Res. 302. International Women's Year. Identical H. Con. Res. 309 passed House October 6, 1975.

H. Con. Res. 354. Condemn illegal drug

traffic from Turkey. Similar provision added as amendment to S. 2230, Authorization of Board for International Broadcasting and Improvement of Greek-Turkish relations, which passed House October 2, 1975. Became law October 6, 1975. P.L. 94–104.

H. Con. Res. 486. Recognize the Washington-Rochambeau Historic Route. Identical H. Con. Res. 225 passed House February 17, 1976.

AMENDMENTS

FEA solar: Floor amendment to the Federal Energy Administration Authorization providing for the authorization of a $3 million solar energy commercialization program was defeated in the House. That amendment was later added to the Senate FEA authorization bill (June 15, 1976.) Ottinger subsequently offered the amendment in the conference committee, which adopted the commercialization program authorization in July 1976.

ERDA solar: Authored various ERDA authorization increases in the areas of conservation and solar energy during consideration of the bill by the Science and Technology Committee. He was particularly responsible for increases in the authorizations for the solar, thermal electric, photovoltaic and environmental studies and resource programs. In the conservation field, Ottinger contributed four significant additions to the program—authorizations for 1) electric storage systems, 2) industrial conservation, 3) buildings conservation, and 4) capital equipment funding ($2 million dollars.)

OTTINGER LEGISLATION PENDING

H.R. 8438. Burn Facilities Act. Included in H.R. 12664, Emergency Medical Services Act Amendments. To be considered by the House in August. (Ottinger authored)

H.R. 11226. Dedicated C&O Canal Park to Justice William O. Douglas. Hearings scheduled August 6. (Ottinger authored)

H.R. 11740. Including hearing aid and dentures in Medicare coverage. (Ottinger authored)

H.R. 12161. Setting up a system of regional Presidential primaries. Senate hearings tentatively planned for fall. (Ottinger authored)

H.R. 12461. Utility Rate Reform and Regulatory Improvement. Hearings held. (Partially Ottinger authored)

H.J. Res. 667. Authorizing Secretary of Interior to accept St. Paul's Church for preservation as an historic site. Hearings held, House and Senate action expected by October. (Ottinger authored)

ANGOLA IS STEP AWAY FROM PANAMA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. BOB WILSON. Mr. Speaker, a factor I do not think was considered in the decision to cut American supplies to Angola is the possibility of the Soviet's use of Cuban troops not only in Africa, but also to carry out similar missions in our own hemisphere.

Isaac Don Levine, writing in the "Officer Review" magazine of the Military Order of the World Wars, addresses this most sobering subject and I believe his words are well worth noting.

[From Officer Review, June 1976]

ANGOLA IS STEP AWAY FROM PANAMA

(By Isaac Don Levine)

The paramount issue in the crisis over Angola, overriding all the others raised so far in the great debate on the subject, is: How to get the Cuban Expeditionary Force withdrawn from Africa.

Here there are two novel points which have so far escaped general attention. First, there is the palpable demonstration that a non-African power is carrying on warfare on another continent in the classical imperialist tradition.

Second is the clear precedent set by the Soviet-Cuban intervention in Angola for similar adventures in the Caribbean, from Puerto Rico and Panama to Venezuela.

Yet the Angola crisis may offer the opportune historical hour for the United States to avert the outbreak of World War III over our ramparts in the Caribbean. It is an occasion not unlike the moment early in 1936 when Hitler marched into the Rhineland, presaging the coming of World War II.

Is it necessary to remind our policymakers that Fidel Castro's military force, acting in Angola as a massive unit of the Soviet army, is based at the gateway to the Caribbean where the lifeline of the United States—the Panama Canal—is located?

When the Senate voted to cut off American supplies to the anti-Soviet forces in Angola, it did so in the announced belief that the Soviet intervention there presented no threat to the vital interests of this country.

Curiously, the Senate's severe critic, Secretary of State Henry Kissinger, displayed the same visionless rationale. In a recent news conference, Kissinger declared that the issue in Angola is not whether vital American interests are involved there, but "whether the Soviet Union, backed by a Cuban expeditionary force, can impose on two-thirds of the population its own brand of government."

Kissinger knows only too well that the United States did nothing when imperialist Moscow imposed its brand of totalitarian despotism on Poland, on Hungary, on Czechoslovakia, on East Germany through the erection of the Berlin Wall, and in many other areas.

If that be the issue, how did it come to pass that under detente, carried out with such fanfare by Nixon, Ford and Kissinger, the Soviet tentacles which have been girding the globe and encircling these United States, implant the Kremlin's brand of dictatorship wherever they reach?

The basic issue in Angola is not the rivalry between Soviet Russia and the United States over mineral resources or the control of shipping lanes in the South Atlantic. That rivalry, while important, is on a par with many similar secondary contests between the two superpowers all over the earth. We have learned to live with these frictions since the rise of the Communist challenge to the free world.

Nor is the primary issue in Angola whether detente can be continued to further world peace. The truth is that detente has been a dying swan for some time. Its failure and eventual doom have been indicated by most independent observers in all countries. The astute Washington columnist of the New York Times, William Safire, opened his essay on Dec. 29 with this verdict: "As 1975 draws to an end, detente is dead. The second cold war is underway."

Nor is the crucial issue in Angola whether we should extend aid in the form of supplies and arms to the nationalist elements there, an important subject to be sure, to which most of the pundits of the press and media have devoted millions of words as if it involved the security of the nation.

The paramount pressing issue is the Cuban expeditionary force fighting a skirmish in the Soviet battle for world hegemony.

Castro has openly avowed the aims of the Soviet-Cuban axis in his speech on Dec. 22 at the great Congress of the Cuban Communist Party, in the presence of the Kremlin's ideological mentor, Suslov, and of the Communist delegates from Central and South America.

"We will never renounce our solidarity with Puerto Rico and Angola," Castro declared. "The flags of Cuba and Puerto Rico are one and the same." And he went on: "We will defend Angola and Africa with our blood if it should be necessary."

On Jan. 10 Castro staged a grandiose reception for Panama's dictator, Brig. Gen. Omar Torrijos Herrera, who came to Cuba, escorted by over 200 picked followers, on a state visit. His journey followed a pilgrimage to Havana of a delegation of Puerto Rican Communists carrying on the fight for independence from the United States. The avowed purpose of Torrijos' visit was to secure help for his acquisition of full sovereignty over the Panama Canal.

"To the 1.2 million Panamanians we can add nine million Cubans," Castro assured Torrijos on Jan. 12 before a crowd of several hundred thousand, advising his prospective ally, however, not to force the issue immediately.

"Much more important than a small bit of land," Castro warned his visitor in words which unmistakably echoed the Kremlin's catechism, "is the liberation of a continent . . . the liberation of Vietnam, of Africa, of Angola." How could the ruler of a poverty-ridden inconsiderable island, unless he be a stooge of the Soviet power, brag of the liberation of a continent?

In his interview of Jan. 17, with the correspondent of Corriere della Sera, Castro stressed his determination to fight on in Angola, and rejected demands from Washington that Cuba "should no longer back the movement for independence in Puerto Rico or the government of Panama in the struggle over the Canal."

The reference to the Panama Canal must be judged in conjunction with the threats to seize the canal by force which have been made by Panama's dictator, General Torrijos. Coupled unity with Puerto Rico, this is the kind of handwriting on the wall that leaves no room for dispute.

If any further evidence is needed that Castro was speaking for the Kremlin, it is to be found in a suppressed report by the Committee on Security of the Organization of American States. The report, compiled before Cuban troops were dispatched to Angola, deals with Soviet domination of Cuba's quasi-military secret police, the DGI, and concludes:

"Castroite agents are now infiltrating the structure of Latin American countries and the United States, and are also utilizing Latin and North American agents in their sabotage in full collaboration with agents of the KGB (the Soviet secret police.) The DGI is now an extension of the KGB."

The Cuban military establishment is now nothing but an extension of the Soviet Army. How else is one to characterize the combined Soviet air and sea lift which transported troops from Cuba to Angola, according to Pentagon sources, bringing Castro's expeditionary force up to 10,500 men plus?

Two days after Castro first threw down the gauntlet, the official Soviet mouthpiece, Izvestia, echoed his call that support of national liberation movements is one of the most important principles of Soviet foreign policy. That theme has been stressed again and again in recent weeks in Soviet pronouncements.

What this amounts to is a warning to all that the Brezhnev doctrine, proclaimed at the infamous invasion of Czechoslovakia in 1968, has been applied and tested in Angola with Cuba as the instrument.

The Kremlin has served notice, the way Hitler did in Mein Kampf, that it assumes the right to wage war in any part of the planet where an anti-capitalist revolution-

ary movement appears. That such movements can and have been engineered by the Kremlin's own underground agencies is clear in Peking, in Belgrade, in Bucharest, in Egypt, but not to the American public which has been befuddled for years by the mythology of detente.

The Brezhnev doctrine is a cloud hanging over the Caribbean in the form of the Cuban expeditionary force in Angola where troops are being trained for further operations inside the vital defense perimeter of the United States.

Even Kissinger admitted it when he declared that if the United States permits the establishment of a Soviet Angola, it will be an invitation to Moscow to engage in similar interventions elsewhere. In his latest hardline declaration before the Senate Foreign Relations subcommittee, following his conference with Brezhnev in Moscow, Kissinger warned Soviet Russia against moving "anywhere it wants without serious risk," involving "a great miscalculation, thereby plunging us into a major confrontation which neither of us wants."

The immediate area of danger is in Panama where Ambassador Ellsworth Bunker, representing the White House and the State Department, negotiated a new treaty with the government of Panama, which is awaiting congressional approval.

According to the drafted agreement, the soverignty over the Canal Zone is to be shared jointly by the United States and Panama. Now we have a living precedent for such a partnership in Berlin, where sovereignty is exercised jointly by the Soviet regime and the Western powers.

Is it necessary to recall to Secretary Kissinger and Ambassador Bunker how it has worked, what with the numerous Soviet harassments, the Berlin blockade and airlift, and the monstrous Berlin Wall still standing there was a monument to diplomatic folly? Joint sovereignty is a guarantee of discord, turmoil, and bellicose ventures.

Such ventures are part and parcel of the Soviet arsenal of planted provocations and frame-ups in the field of international relations, as anyone who would look into the voluminous record can see. For the Kremlin to stage an "appropriate" incident in the Canal Zone would be an elementary exercise.

Under the Brezhnev doctrine, a fraternal alliance between sovereign Panama and Cuba would provide legal cover for a move into the Canal Zone. The Kremlin would simply respond to a call for help from the "socialist camp."

It is no secret that the ruling junta in Moscow has been smarting from the humiliating defeat it suffered in 1962 in Cuba at the hands of President Kennedy, and has been dreaming of retaliation to redeem its impaired prestige among the worldwide Communist parties.

Instead of employing Soviet military and naval personnel, as Khrushchev did in October, 1962, in his move to establish missile bases in Cuba, Brezhnev's politburo would conduct its operation in Panama by making use of Cuban troops bearing Soviet arms.

Since it is generally recognized that the Cuban role in Angola was a provocative adventure, it provides a fitting occasion for Washington to raise the long-delayed issue of American "on-site" inspection, under United Nations auspices, of the naval pens in Cuba where Soviet nuclear submarines are alleged to be sheltered.

Such inspection was provided for in the Khrushchev-Kennedy agreement in 1962. With the enormous expansion since then of Soviet sea power, and what with the frequent sighting of Soviet nuclear submarines off the Atlantic Coast, it is more urgent than ever to have Cuba permit "on-site" inspection of her naval bases.

The United States challenge to Cuba for periodic "on-site" inspection of her submarine harbors is sure to be backed by a majority of the Organization of American States (OAS). This is the moment for diplomacy to resort to plain truth about the menace of the Soviet-Cuban military alliance to this hemisphere and, specifically, to the Panama Canal.

Chairman Mao's admonitions to President Ford against the Soviet drive for world hegemony assures widespread international support for action in the present crisis by the United States under the Monroe Doctrine. A confrontation between the Brezhnev and Monroe doctrines has long been overdue on the issue of "on-site" inspections.

It is urgent that such action take place before the agreement negotiated by Ambassador Bunker with Panama's ruler, General Torrijos, is approved and signed. That is not to say that the original treaty with Panama should not be updated and amended, so long as the sovereignty over the Canal Zone remains undivided and unimpaired in the hands of the United States.

VOLVO BREAKTHROUGH—PART 2

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. MAGUIRE. Mr. Speaker, yesterday I noted the significant breakthrough made by the 1977 California Volvo in reducing auto emissions to the 1978 Federal standards while simultaneously achieving a fuel economy increase of 10 percent—July 28, 1976, E4160–4161.

Today, I am presenting the second letter cited in my remarks, from Mr. Eric Stork, Deputy Assistant Administrator for Mobile Source Control, U.S. Environmental Protection Agency. The testimony of this expert strengthens my conviction that Detroit can make similar progress by 1981, the target date for compliance set forth in an amendment to the Clean Air Act that Representative HENRY A. WAXMAN and myself will be offering next week.

The feasibility of our amendment is obvious in view of the National Academy of Science's finding that no extension of the compliance schedule is necessary to achieve the emmissions reductions now mandated for 1978. The Waxman-Maguire amendment will limit delays to 3 years. In contrast, the Dingell-Broyhill amendment would grant a postponement for 7 years. The Waxman-Maguire amendment maintains incentives to reduce air pollution from auto exhaust as fast as practically possible.

The text of the letter follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., July 2, 1976.

Hon. ANDREW MAGUIRE
House of Representatives,
Washington, D.C.

DEAR MR. MAGUIRE: Our technical staff has prepared responses to the questions posed in your letter of June 15 on the subject of the three-way catalyst car planned to be sold by the Volvo Motor Company in California during the 1977 model year. Those responses are provided herewith.

Sincerely yours,

ERIC O. STORK,
Deputy Assistant Administrator for Mobile Source Air Pollution Control (AW–455).

Enclosure.

RESPONSES TO QUESTIONS ON THE VOLVO THREE-WAY CATALYST CAR POSED IN CONGRESSMAN MAGUIRE'S LETTER OF JUNE 15, 1976

1. Has any American automobile manufacturer tested this (Volvo's) technology on its cars without fuel injection and/or on cars with six or eight cylinder engines?

All four domestic automobile manufacturers have tested three-way catalysts to some degree, with Ford and General Motors performing the most extensive development work in this area. As indicated in the April 1976 EPA report on "Automobile Emission Control—The Current Status and Development Trends as of March 1976," Ford has conducted extensive development work on three-way catalyst systems on six and eight cylinder carbureted engines. General Motors has also conducted three-way catalyst system development work for application on carbureted eight cylinder engines.

2. Does any American automobile manufacturer plan to implement three-way catalyst technology in its future model year vehicles?

Although Chrysler and American Motors have conducted limited development work on three-way catalyst systems, neither manufacturer has advised EPA that they will implement such technology in future model year vehicles. General Motors, although reporting limited success in developing three-way catalyst technology, has also not stated to EPA that they will market this technology.

Of the American manufacturers, Ford appears to be pursuing the most active three-way catalyst development program. It has been reported in the news media that Ford plans to introduce this type of technology on a limited basis in the 1978 model year. However, EPA has not been formally notified by Ford on this matter, and thus EPA has no information on Ford's plans other than news media reports.

3. Is it feasible to apply three-way catalyst technology to cars without fuel injection and with more than four cylinders?

The need for fuel injection systems for use in conjunction with three-way catalyst systems arises from the need for more precise control of air-fuel mixtures than is used today. Fuel injection systems are currently capable of providing the needed degree of control of air-fuel mixtures. Development work conducted by Ford and others suggests that sophisticated carburetor systems may also be able to provide adequate control of air-fuel mixtures. Current carburetor systems are not adequate to provide this precise control. Thus at this time the feasibility of using three-way catalyst technology without fuel injection has not been demonstrated.

In principle, three-way catalyst systems can be applied to cars with more than four cylinders. The difficulty in applying this technology successfully on cars with more than four cylinders is that it becomes more difficult to assure proper air-fuel mixture distribution to each cylinder on six and eight cylinder cars than on four cylinder cars. Improved fuel distribution systems (either carburetors or fuel injection) should in future development programs allow greater success by the auto industry in applying three-way catalyst systems to larger engines.

Lead time would be significant before the

industry could adapt all of its cars to a three-way catalyst system such as Volvo's. Even though Volvo has accomplished an important proof of principle, use of that principle on other engines would require extensive engineering and design work, and of course the testing of such designs. That work would need to be followed by machine tool design and procurement before cars utilizing the system could be built and sold. Thus, if one were to assume that all auto makers were to decide today to adopt the Volvo-type emission control system, it would take at least three years before most cars could be equipped with such a system. Inasmuch as 1978 model year cars will begin their certification testing in a few months, that means that 1981 is the first model year during which it would be feasible to use such systems on a widespread basis. Such lead time requirements are needed whether the fuel induction system used is fuel injection or carburetion, because there is currently inadequate production capacity for fuel injection to use fuel injection on all cars; and because carburetors capable of providing the needed degree of control of air-fuel ratios have not yet been proven. Even if carburetors are proven feasible for this application, they would require a significant period of time for design for all applications, and then for tooling for mass production.

4. Would General Motors exhaust the world's supply of rhodium within a year if it were to use the same technology as the Volvo employs?

To satisfy the demand for additional rhodium required for the annual production of a sufficient amount of Volvo-type three-way catalysts to equip all General Motors cars, world production of rhodium would need to be increased by about 50%. To equip all U.S. cars with such catalysts would require about two times current annual world production of rhodium. At that rate of rhodium consumption, the known world reserves of rhodium capable of being mined economically would be depleted in slightly less than one hundred years. Other resources of rhodium exist, but are not currently considered capable of being produced economically.

The foregoing is based on analysis of data available to EPA technical staff. That analysis also suggests that a major increase in the production of rhodium might involve significant problems, since rhodium is currently mined only as a by-product of platinum and nickel production. Thus the availability of rhodium would appear to be tied to the demand for and production of platinum and nickel. EPA is not in a position to discuss the overall uses of rhodium nor the availability of increased rhodium. It is suggested that the U.S. Bureau of Mines may be in a better position to advise on the potential supply and production of rhodium.

Development work is proceeding on three-way catalysts with lower rhodium content than that of the Volvo catalyst. This development work is targeted towards obtaining a three-way catalyst with a mixture of platinum and rhodium in the same proportion as those two metals are found in nature. Success of this work would make it more feasible to equip all numbers of cars with three-way catalysts.

5. Does the use of three-way catalyst technology result in the emission of dangerous levels of unregulated pollutants?

Inasmuch as the EPA was caught somewhat unaware of the potential of unregulated emissions from oxidation catalysts, it has been most sensitive to this matter in connection with Volvo's expected use of a three-way catalyst system, and has explored emissions from this system to the greatest degree feasible. EPA has tested a car like the Volvo that achieved the remarkable results that were recently publicized; that car was tested both under normal operating and malfunctioning conditions. While operating normally the Volvo three-way catalyst system emitted lower levels of unregulated emissions than did either oxidation catalysts or even non-catalyst cars. Under rich malfunctioning conditions this car did emit some significant levels of unregulated emissions, but it still had lower levels of regulated emissions than are commonly found on cars today. EPA's preliminary estimates suggest that the adverse health effects from carbon monoxide from a malfunctioning car of this type would be many times greater than would be adverse health effects from even the most theoretically troublesome of the unregulated emissions. This means that EPA has not so far identified any reason to have a public health concern about the widespread adoption of the Volvo-type three-way catalyst system. EPA will continue with its investigations of such cars as additional vehicles of this type become available for testing, and will also make further evaluation of the data so as to be able to confirm or revise the preliminary conclusions.

6. What is a fair estimate of the cost of fuel injection systems as applied to American-made cars? What is the cost of applying three-way catalyst technology to American-made cars without fuel injection? How does fuel injection affect fuel economy?

Current projections for the cost of applying three-way catalyst technology range widely, in part due to differences in expected production volumes for this technology. Those estimates suggest that if fuel injection were to be extensively employed, additional costs for applying three-way catalyst technology could range from $50 to $300 per car. High production volumes for fuel injection equipment should result in actual per unit costs around a $50 estimate. If carburetion can be widely used with three-way catalyst systems, additional costs for the entire three-way system could range from $20 to $50. Again, large production volumes would mean lower costs.

As to the question regarding the effect of fuel injection on fuel economy, theoretically there is no reason to expect better fuel economy using fuel injection than using carburetion. While current fuel injection systems do seem to give better fuel economy than current carburetors, the carbureted systems under development for use with future three-way catalyst systems should provide fuel distribution as good as current fuel injection systems. Thus all fuel economy improvements to be realized in the future from improved fuel distribution should be available using carbureted fuel systems.

7. Could the 1977 Volvo equipped with the three-way catalyst pass EPA tests on durability and emissions? Are the EPA tests more stringent than those administered by the California Air Resources Board?

The 1977 Volvo was tested under the certification protocols of the EPA, on both a durability program (50,000 miles) and on a program to determine the car's stabilized emission levels (4,000 miles). The Volvo car handily passed both EPA tests, and almost succeeded in meeting the current 1978 Federal statutory emission standards (.41 HC, 3.4 CO, .4 NO_x). Although all four Volvo cars tested by EPA at 4,000 miles met the statutory standards, the car tested for 50,000 miles did not qualify to generate a valid deterioration factor for CO. However, EPA technical staff believe that the Volvo system has the capability to achieve the current statutory standards given additional development work, and note that Volvo did not need to meet those standards to qualify their vehicle for 1977 sale in California.

The EPA test requirements are slightly more stringent than the California Air Resources Board procedures, in that EPA has a somewhat more stringent set of requirements than does California for qualifying durability vehicles to be eligible to generate valid deterioration factors. California eased these requirements as an accommodation to the industry, to reduce testing requirements for qualifying 1975 and later model year vehicles against the California state standards which are more stringent than Federal emission standards. EPA does not plan to make the same change in its testing protocols.

BEYOND THE BICENTENNIAL

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. JOHNSON of Pennsylvania. Mr. Speaker, July 4, 1976 marked the culmination of this year's Bicentennial celebration. On the eve of that momentous occasion, an editorial appeared in the Lack Haven, Pa. Express which I would like to call to the attention of my colleagues.

Ms. Rebecca Gross, the editor emeritus of the Lock Haven Express, gives us some wise advice to ponder as we begin our third century as a Nation. Although the Bicentennial has marked two centuries of progress and development bought with the courage and determination of our forefathers, our freedoms are still vulnerable to the attacks made by the enemies of democracy. In this sense, the American Revolution continues. We must look forward to the 21st century with the courage that we can preserve the freedoms fought for in 1776—freedoms that have been our hallmark for 200 years.

The fine editorial written by Ms. Gross, entitled "Beyond the Bicentennial," follows:

BEYOND THE BICENTENNIAL

(By Rebecca Gross)

They took great risks, those patriots of 200 years ago, who staked their future and their fortunes on the Declaration of Independence and the chance that a new nation could grow from a union of the 13 British colonies in America. They had faith and they had hope, but they had no promise of success. They did not know, as they signed the Great Declaration, and as they mobilized their puny strength to fight for freedom, whether they would be hung as traitors, hailed as deliverers, or forgotten as failures.

They did know what freedoms they wanted. They could remember from their colonial past, a history of less than 200 years, how repressions had been imposed by religious sanctions; they could vividly recall the limitations of a licensed press controlled by royal governors and agents of the Crown; they had tasted the tyrannies of an arrogant soldiery and high-handed officials; they had paid taxes to meet the costs of imperial wars and royal rivalries in which they had no voice. They knew enough about freedom to know that they wanted it, and they wanted it for a whole new country.

Now that we are celebrating the 200th anniversary of that new nation, which has survived its initial vicissitudes and its later trials to become the world's oldest democracy and its principal bastian of political freedom,

we look backward to remind ourselves to the milestones that mark our progress. Oddly enough, among the many demonstrations with which we are dramatizing the great achievements of the first two centuries of the nation, there appears to be no great illuminating portrayal of the vital role of the free press in achieving Independence and in the development of a great free nation. Our Bicentennial celebration has been accompanied in some quarters, too, by ironical expressions of doubt that the spirit which built the nation has survived into 1976 with the strength and patriotism of 1776.

The third century of American democracy will unfold the answers to such skeptics—and the character of those answers may depend upon two factors on which there has been some debate in this Bicentennial period. One of these factors is the quality of the free press of the United States 200 years after 27 little colonial newspapers struggled to speak for a people embroiled in controversy over the great issue of Revolution. The other factor is the capacity of modern-day Americans, living among many distractions and diversions, to absorb the information they need in order to form sound opinions and participate intelligently in the process of self-government.

Who can say which comes first in importance, a free press which informs its readers adequately, or a body of citizens which knows how to apply information effectively to the improvement of government? Neither press nor public can claim to have reached any degree of near-perfection, either in the art of informing completely, or in the citizen's task of assimilating facts with the mind instead of the emotions, and applying them to the rational understanding of public issues.

Yet we must recognize that what we let happen, during the next 100 years, may have a profound effect upon the democratic freedoms extolled in the Declaration of Independence and enunciated in the Constitution. If we have learned anything from our first 200 years, it has to be the knowledge that democratic freedoms are not self-perpetuating merely because they are set forth in our charters of government. These freedoms must be prized, protected and preserved, for all citizens. They are under the same assaults today as were marshalled against them before 1776, and they will always be vulnerable to the attacks of selfish and greedy enemies of true democracy.

Their protection rests now, as it did 200 years ago, upon the courage, persistence and ability of those who can recognize what is at stake, and take the risks of its defense. Our future, beyond the Bicentennial, even more than the great past which lies behind us, may depend upon the truth we draw from our agencies of information, and the ability of our people to use that truth, to separate fact from frenzy, to act in knowledge and reason, for the common good.

The patriots who started our nation did it in defiance of hazards that threatened their lives as well as their freedom. Our future is less perilous, the dangers more subtle.

On those who have assumed the constitutional privilege to disseminate information through a free press rests the responsibility to safeguard the flow of truth from the pollution of self-serving biases, selfish and partisan influences, and crass blunders. On citizens there rests an equal responsibility to keep alert to the events which create new public problems from day to day so their views can be voiced and their votes cast with knowledge.

In our third century, the worst threat to our freedoms is most likely to be our own failure to recognize significant truth and act upon it promptly.

NATIONAL COUNCIL OF JEWISH WOMEN OPPOSES FOREIGN INTELLIGENCE SURVEILLANCE ACT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. DRINAN. Mr. Speaker, the National Council of Jewish Women has for many years advocated securing the right of privacy and has opposed bills which would invade it. At its recent biennial convention, the council approved a resolution reiterating its commitment to that principle.

In the implementation of that resolution, the council has adopted a statement regarding the Foreign Intelligence Surveillance Act of 1976 (H.R. 12750 and S. 3197). After examining carefully its provisions, the council has concluded that this measure "is a blueprint for and legal sanction of heretofore illegal and grievously intrusive governmental activities and an insulation of government from effective scrutiny and challenge."

That conclusion and the accompanying reasons for it are cause for serious concern that this bill should not be enacted. The speed with which it was approved by the Senate Judiciary Committee underscores the need for further examination by all the Members of both bodies. The statement of the National Council will assist those deliberations:

STATEMENT RE: S. 3197/H.R. 12750 FOREIGN INTELLIGENCE SURVEILLANCE ACT JULY 15, 1976

The National Council of Jewish Women, an education, community service and social action organization of 100,000 women in Sections throughout the United States has since its inception 84 years ago been committed to protecting the rights of the individual. At our last Biennial Convention, the following was adopted:

I. INDIVIDUAL RIGHTS AND RESPONSIBILITIES

The National Council of Jewish Women believes that the freedom, dignity and security of the individual are basic to American democracy, that individual liberty and rights guaranteed by the Constituiton are keystones of a free society and that any erosion of these liberties or discrimination against any person undermines that society.

We Therefore Resolve:

1. To work for public understanding and the protection of the civil liberties guaranteed by the Constitution of the United States, including:

The right to privacy.

The proposed bills S. 3197/H.R. 12750 pose a threat to the individual's right to privacy and represent an unwarranted intrusion upon the individual not engaged in any criminal activity by authorizing electronic surveillance within the United States for foreign intelligence purposes. The widespread illegal activities in intercepting mail, wiretapping and electronic eavesdropping of the F.B.I. and C.I.A. brought to light during the recent hearings of the Senate Select Committee on Intelligence (the Church Committee) underscored the necessity for guidelines to be established governing the activities of governmental intelligence agencies. The intent of such guidelines was to define and limit the scope of such activities, not to enlarge and legalize such intrusive activities. The affect of the proposed bills will legalize the heretofore illegal activities of the governmental intelligence agencies and establish a mechanism to foreclose any effective challenge by the individual under surveillance.

The Church Committee rejected the Administration's contention that some lawful conduct should be the basis for surveillance and concluded that if existing laws were inadequate to protect national security information from foreign agents, then the laws should be amended rather than create a new "dangerous basis for intrusive surveillance."

S. 3197 authorizes in the name of national security the issuance of warrants for electronic surveillance "under circumstances where a person has a constitutionally protected right of privacy" upon a showing that there is probable cause to believe that the target of the electronic surveillance is a foreign power or enterprises controlled by (it) or an agent of a foreign power, i.e. a person engaged in clandestine intelligence or terrorist activities, or who conspires with, or knowingly aids or abets such a person in engaging in such activities. The terms "conspiracy" and "clandestine intelligence activities" are vague, indefinite and imprecise and open the door to interpretations and definitions by the Attorney General which would target citizens in the pursuit of lawful activities and lead to widespread political surveillance.

Under S. 3197 the mechanism for obtaining a warrant authorizing the electronic surveillance is such that the government may twice appeal a denial of such application by the seven district court judges designated by the Chief Justice of the United States to grant such orders. The subject of the warrant, however, has very limited rights only after the fact of surveillance, to challenge the use of the information so acquired. And, inasmuch as the orders are obtained ex parte, i.e. without notice to the other party, there is no mechanism whereby the individual affected will ever become aware that he has been subjected to such surveillance.

The hope or expectation that the courts will be circumspect and zealous of the individual's constitutional rights of privacy is not justified in the light of past experience. During the period of 1969–1975 a total of 4863 applications for orders authorizing or approving the interception of wire or oral communications were granted. Only 13 such applications were denied during the seven year period.

The National Council of Jewish Women views S. 3197 as a negation of the principle that we are a nation of laws not men. To empower government to invade the privacy of citizens engaged in lawful activity is a denial of that principle. S. 3197 is a blueprint for and legal sanction of heretofore illegal and grievously intrusive governmental activities and an insulation of government from effective scrutiny and challenge. It would provide an open door for the repetition and continuation under color of legal right of the unwarranted and illegal mail openings, break-ins, wire-taps and buggings by governmental intelligence agencies recently brought to light and condemned by the Church Committee and the American people.

EVANGELICAL PRESIDENT SEEN INEVITABLE ELECTION RESULT

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1976

Mr. KARTH. Mr. Speaker, unexpectedly the question of religion has been interjected in the hectic Presidential election campaign. This has not occurred on

a serious scale since the elections of 1928 and of course the Nation is most fortunate that this is so.

Today's interest in the religous stands and expressions of national candidates appears to be of a different character than in the past. Editorial comment and editorial cartoons have dealt with the subject but not, with rare exceptions, in terms of partisanship, prejudice and bigotry.

Rather the public interest today, as sociologists and political scientists have noted, seems to be generalized and nondenominational. The public appears to be interested because of the intense questions of morality, ethics and religious scruples raised by the behavior and removal of the administration preceding the present one.

Millions of Americans, apparently, are thinking more seriously than ever before about questions of morality, integrity, and honesty in public life and many of them wonder whether those indispensable qualities for political leadership should not be rooted more deeply in religious convictions.

A contribution toward our thinking about this question has been offered by Garry Wills, a syndicated columnist whose writings appear in the Washington Star and other newspapers around the country.

It is Columnist Wills' conclusion, after weighing the words of the major Presidential candidates that "We are going to have an evangelical President inaugurated in 1977 no matter which of the three remaining candidates wins in the November election."

I commend to my colleagues' attention the July 22 column of Gary Wills that appeared in the Washington Star:

THEY'RE ALL EVANGELISTS

(By Garry Wills)

Some people talk a little fearfully about a Carter onslaught of religiosity. They do not hold his beliefs against him. They just wonder if he should talk so freely and often about such intimate things. They do not understand that this "witnessing" style is part of evangelical belief.

I have great sympathy with evangelism. It supplies an element of Christianity clearly present in the Bible and clearly lacking in some churches (including mine)—an element of open and shared spiritual rejoicing. But, even so, I sometimes find myself ill at ease with the simpler proclamations of that joy. Perhaps that is my failing. At any rate, I understand why people think it a little freaky or flaky for a serious politician to go around saying things like this:

"I can't remember a time in my life when I didn't call upon God. . . . In my own experience there came a time when there developed a new relationship with God and it grew out of need. So, yes, I have had an experience that could be described as born again."

Asked whether he prayed over the decision to run for president, the candidate answered: "Yes, I did seek God." Asked whether there were any notable answers to his prayers, he said: "There have been so many, and some momentous ones." He said there was a spiritual revival going on in this land, and quoted the favorite passage of political evangelizers, II Chronicles 7:14, about national repentance and divine healing.

Wouldn't you wonder about such overt piety in a president? Is it any surprise that those less fervid or effusive hang back a little from the Carter candidacy?

Only the words quoted were not Carter's. I have been cheating, been quoting Ronald Reagan, from a talk-show interview with George Otis of Van Nuys, Calif. Not only does Reagan maintain that he is a born-again evangelical; he applies his religion directly to politics, in a way that Carter never does. Saying that he would use his office to promote laws against pornography and abortion, and to maintain laws against homosexuality, Reagan said he would veto measures meant to legalize immorality: "I have always believed that the body of man-made law must be founded upon the higher natural law. You can make immorality legal, but you cannot make it moral."

Nor is Reagan's fervor a new gimmick, picked out to draw votes from Carter. Reagan has an evangelical minister, an ex-All American, who has long vouched for his spiritual aspirations.

President Ford, too, has an evangelical friend and mentor, Billy Zeoli; and Congressman Ford was an active part of the prayer circuit on Capitol Hill, which is evangelical in inspiration. Ford has addressed just about every large evangelical association that was meeting this year, and likes to remind them of his son in divinity school.

So those upset by Carter's religion should steel themselves with this reflection: We are going to have an evangelical president inaugurated in 1977 no matter which of the three remaining candidates wins the November election.